

CONCORDIA'S THURSDAY REPORT

VOL. 18

JUNE 2, 1994

N° 26

Kenniff leaves amid calls for new leadership

Charles Bertrand is named Interim Rector



Charles Bertrand

BY KEN WHITTINGHAM

CHARLES BERTRAND WAS named Interim Rector last Thursday (May 26), replacing Patrick Kenniff, who has left Concordia after 10 years at his post.

Bertrand remains Vice-Rector Services, while assuming the duties of Rector and Vice-Chancellor.

Charles Bertrand was educated at Western Washington College (BA, 1961), the University of Oregon (MA, 1962) and the University of Wisconsin (PhD, 1969). The American-born academic joined Concordia in 1967 as a history professor at Sir George Williams University. He was Chair of the Department from 1981-85, then Dean of Arts and Science from 1985-92. He was appointed Vice-Rector, Services in 1992.

An 11-member Advisory Search

Committee to recommend a permanent successor to Kenniff had already been created in the light of his announcement in March that he would not seek a third term. (See *Search*, page 11.)

In a series of statements over the past week, it became clear that the former Rector and the University's Board of Governors were unable to continue working together.

On behalf of his colleagues, Board Chairman Reginald Groome said the governors believed it was in Concordia's best interests to provide "new leadership and direction to assure a positive and productive environment for all students, faculty and staff."

Tension mounted following a closed meeting of the Board on the evening of May 18. Kenniff, Secretary-General Bérengère Gaudet,

See Bertrand, p.11

Cowan report appears in this issue

Action promised on inquiries' findings

BY KEN WHITTINGHAM

CONCORDIA'S SENIOR ADMINISTRATORS will work with the Board of Governors to develop a plan of action to address the issues raised since the shooting of five people at Concordia on August 24, 1992.

The report released this week by John Scott Cowan of the University of Ottawa touches on many of these issues, including University leadership, a more efficient management structure, developing conflict resolution mechanisms and enforcing standards of conduct.

But Cowan's recommendations will form only part of the University's response to the tragedy of August 1992, Interim Rector Charles Bertrand said this week.

They will be considered along with many other suggestions and recommendations that are being made as a result of the self-analysis, inquiries and general spirit of reflection that have been evident at Concordia during the past 21 months.

The Cowan report, titled *Lessons from the Fabrikant File: A Report on Valery Fabrikant's Employment History at Concordia University*, was released Tuesday along with responses from eight current or former Concordia administrators. The complete text is reprinted as a supplement to this issue of *Concordia's Thursday Report*.

The second of the two external inquiry reports related to the August 1992 shootings, *The Report of the Independent Committee of Inquiry into Academic and Scientific Integrity*, will be released next week. That inquiry was chaired by former York University President Harry Arthurs; the other members are Roger Blais, former Dean of Research at the École Polytechnique, and mathematician

See Cowan, p.11

Convocation issue next week

Owing to the volume and importance of material available to CTR, we will publish again next week. Letters to the editor will be accepted, under the usual conditions (signed, a maximum of 500 words, and respecting the integrity of others).

IN THIS ISSUE

Professorial promotions

Profiles and photographs of 23 Concordians promoted to Professor Emeritus and Full Professor are presented.

Pages 6 and 7

Theatre success

A Concordia production was *The Globe and Mail* drama critic's first choice at a festival held recently in Toronto.

Page 9

Celebrations

Three academic administrators were given a send-off, and another party was held to honour 20-year employees.

Page 8

Music scholar has active performance career

Christopher Jackson appointed new Dean of Fine Arts

BY CHRIS MOTA

CHRISTOPHER D. JACKSON has been appointed Dean of the Faculty of Fine Arts, effective June 1, 1994, for a five-year term. His appointment was endorsed by the University's Board of Governors at their May 18 meeting. He succeeds Robert Parker, who, after a brief sabbatical, will return to teaching after two consecutive terms as dean.

A graduate of École de Musique Vincent d'Indy, Professor Jackson went on to study at the Conservatoire de Musique de Montréal, the Académie d'orgue de St-Maximin in France, and the Summer Academy for Early Music in Innsbruck, Austria.

He spent two years as a lecturer in ear training, keyboard proficiency and Baroque chamber ensembles at McGill University, and three summers as co-director and instructor in chamber music and large ensembles at the Académie de Musique Ancienne at the Centre d'Arts du Mont Orford.

Since joining Concordia's Music



Christopher D. Jackson

Department in 1977, Jackson has been very active in the Faculty of Fine Arts. He has held several administrative positions, including Chair of the Music Department and administrator of the Art Therapy Unit during a period of considerable expansion, as well as serving on the University's Board of Governors. He is presently Associate Dean, Student

Affairs, for the Faculty of Fine Arts, and a member of both the Faculty Council and the Faculty budget committee.

Baroque ensemble

Professor Jackson has close ties to the wider artistic community. Twenty years ago, he co-founded the Studio de Musique Ancienne de Montréal, and continues to serve as artistic director. He conducts between 15 and 20 concerts a year with the ensemble, many of them recorded for broadcast by the CBC and Radio-Canada.

Jackson often gives clinics, workshops and lectures outside Concordia, and continues his performance career as conductor, organ recitalist and harpsichord continuo player. He has worked in a consultative capacity with such bodies as the Ministry of Education, the granting agency Fonds pour la formation de chercheurs et l'aide à la recherche (FCAR) and the Roman Catholic Diocese of Montréal.

Senate has asked Board to explain its actions

.....
see p.11 for details

AT A GLANCE

COMPILED BY BARBARA BLACK

This column welcomes the submissions of all Concordia faculty and staff to promote and encourage individual and group activities in teaching and research, and to encourage work-related achievements.

Robert Bodrog, a student in the Creative Writing programme, has won not one but two first prizes in the "New Voices" Playwriting Competition sponsored by Theatre Prince Edward Island. Bodrog, a P.E.I. native, came to Concordia in January from Harvard, where he earned a graduate degree. His full-length play, *Orphans of the Storm*, is about three sisters who explore their problems with each other and their late father on a weekend at the cottage. His one-acter, *Quilts*, deals with euthanasia.

Catherine Bolton (Classics) gave a lecture on March 10 at the Centre d'études classiques titled "Ovide contre les stéréotypes: Pénélope et Didon dans les Héroïdes."

The interactive electronic confessional designed by **Greg Garvey** (Design Art) has won a prize for design at MultiMedia 94, a big technology and communications trade show and awards presentation held last week in Toronto. The confessional will be a featured curiosity in Europe this summer at a Swiss Engineering exhibition in Montreux, France, on June 3, and at the Internationales Symposium für die Avantgarde des Managements und Lifestyle-Spione in Rüschlikon/Zürich June 16 and 17. It is also on view closer to home, at the Images du Futur exhibit at Montréal's Old Port.

Irene Tomaszewski, a graduate of Concordia, has written a book with another Polish-Canadian, Tacia Werbowksi, called *Zegota: The Rescue of Jews in Wartime Poland*. The book, with a foreword by Montréal-born U.S. diplomat Zbigniew Brzezinski, was launched last month at Montréal's Polish consulate.

Shahrazad Mojab (Applied Social Science) presented a paper, "Ethnicity and Gender Relations in the Nationalist Movements of Kurdistan and Azerbaijan," at the twelfth annual conference of the Centre for Iranian Research and Analysis at Villanova University, Pennsylvania, on April 29. Her presentation was broadcast on Voice of America. Mojab was also a discussant at the conference in a session on "Women, Ideology and Social Change."

Radu Zmeureanu (Centre for Building Studies) presented a paper on energy efficiency at the eighth conference of the Association québécoise pour la Maîtrise de l'Energie (ASHRAE), held in Quebec City in March. An article about his work, "Comment choisir un logiciel d'analyse énergétique," appeared in the April-May issue of *Envirotech* magazine.

Vishwanath Baba (Management) was invited by the Faculty of Management, University of Calgary, to speak at their Mohr Research Lecture Series on April 8. The title of his talk was "Discrepancy theory and shiftwork: Implications for satisfaction, burnout and turnover intention." The talk was based on his ongoing research on shiftwork with his colleague, **Muhammad Jamal** (Management). He also gave a seminar, "Publish and Perish: Editorial perspectives on scholarly publishing," to a group of the University's PhD students. Baba was interviewed by the Australian Broadcasting Corporation's national radio programme, *The Business Report*.

Richard Cawley, Chair of the Department of Applied Social Science, conducted a pre-conference institute and was a featured workshop presenter at the annual conference of the Canadian Association of Adult Education and the Canadian Association for Community Education held in St. John's, Nfld., May 4 to 7.

Congratulations to **Steven H. Appelbaum** (Management), who is this year's winner of the Faculty of Commerce and Administration Distinguished Teaching Award. The presentation of the award will take place at the Faculty's convocation on June 16.

Congratulations, too, to all those responsible for Concordia's Institutional Image Campaign, for winning two medals from the Canadian Council for the Advancement of Education (CCAIE). They took a gold for the promotional video, *Real Education for the Real World*, and a silver for the newspaper campaign we've all admired over the past year and more. The medals will be presented next week at the CCAIE's conference in Winnipeg.

Classics lectures published as a book

Wit, passion and profundity from ancient Rome

BY BARBARA BLACK

IN CASE YOU MISSED THEM, FOUR lectures delivered last year by a guest lecturer in Concordia's Classics Department have just been printed in book form.

The lectures on Ovid, Vergil, Juvenal and Seneca were delivered under the title *Tragedy, Love and Change: Roman Poetic Themes and Variations* by Alexander G. McKay, Professor of Humanities at York University, Professor Emeritus of Classics at McMaster University, and a member of the Royal Society of Canada.

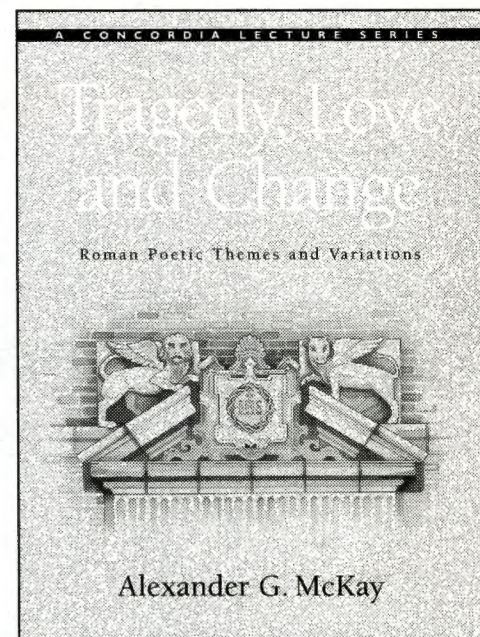
Ovid's *Metamorphoses* is a huge poem of more than 12,000 verses. It includes about 250 mythic love stories, ranging from the creation of the world to Ovid's own time, Imperial Rome. Full of humour, titillation and gore, the *Metamorphoses* entertained what McKay described as "a somewhat self-satisfied, complacent society."

Ovid, who was well-born but probably dependent on wealthy patronage, completed the work in AD 8, and died nine years later in exile in what is now Romania.

Vergil, who wrote at about the same time, put all his inspiration into the story of one epic Trojan hero, Aeneas. McKay said that the Romans liked to think of themselves as having descended from the Trojans, because it gave them a link with the earlier, much-admired civilization of Greece. The love story of Aeneas and Queen Dido has inspired many works of art, including operas by Henry Purcell and Hector Berlioz.

Juvenal was a satirist of the second century AD, and McKay examined four of his satires. His favourite targets were luxury and avarice, superstition, and lust. Passages denouncing urban development and street crime, quoted by McKay, sound remarkably contemporary even 1,750 years or so later.

Seneca's reputation as a writer of tragedy, like his own career, has been a roller-coaster. He was a tutor to the teenaged Nero, and became a millionaire and an architect of public policy, but the excesses of the emperor



destroyed his reputation, and he took his own life. His writing was most revered by 16th- and 17th-century Europeans (including Shakespeare), and McKay thinks he is now due for a comeback.

He even challenged Concordia students to try staging Seneca's plays, "because immediacy and excitement, fright and blood-letting are their constant ingredients — and these are undeniably magnetic for our age, when the density of our cities, like that of Nero's Imperial Rome, provides the breeding-ground and audience for violence."

The Classics Department received funds from the Office of the Rector to cover the cost of the lecture series. Then the Rector and the Dean of Arts and Sciences provided additional funds to print up the modestly-produced book.

Illustrations are by students Heike Fliegel and Carmelina di Guglielmo, and Professor Lionel J. Sanders, who oversaw the whole project and wrote the book's preface, warmly thanked secretary Margaret Bailes for her help.

Tragedy, Love and Change is available at the Classics Department office for \$5, and will be distributed in the U.S. by the American Classical League and the Vergilius Society.

Women migrant writers



From May 5 to 8, at least 40 people from as far away as Spain and Lebanon converged on Concordia to discuss "The Writings of Migrant Women in French in France and in Canada."

The subject came out of work being done by Études françaises Professors Mair Verthuy and Lucie Lequin. A highlight was the day spent discussing the work of Assia Djebar, an Algerian writer and film-maker living in France (seen above autobiographing a book for Danielle Shepherd, from the University of Victoria, with Yvette Francoli, from the Université de Sherbrooke, looking on). Student Latifa El-Ghandouri took part in a round-table discussion of Djebar's films, and another student, Colette Zirpdji, said, "I found the workshop particularly moving, particularly the part where she read from her work in progress." Djebar writes about political conflict in Algeria, which has claimed the lives of some of her friends and acquaintances.

Book will be published by
three Concordians

When Pain Strikes, authors and artists express it

BY SUSAN SCHUTTA

IS PAIN PURELY PHYSICAL? HOW DO WE deal with it? What are the cultural boundaries we have built around it?

An original new book edited by Concordia professor Kim Sawchuk, PhD student Cathy Busby and Montreal visual artist Bill Burns provides a forum to explore such issues.

The book, to be published next year under its working title, *When Pain Strikes*, won't be a traditional scholarly tome. Along with academic articles, the editors have included visual art, fiction and essays by practicing health care workers and patients.

A social worker describes how she encourages elderly clients to ask doctors about their medical options. An artist with a leg affected by polio writes about being "abnormal." A satirical piece explains the corporate culture of "Analgesia," a fictitious pharmaceutical company which mines for pills.

"Instead of having academics write about these projects, we decided these people could speak for themselves," said Sawchuk. "They therefore don't write in a typically academic style, but I think this disparity of voices gives the book strength as a collection."

Valuable textbook

The diversity of approaches in *When Pain Strikes* is illustrated in the book's working title page, which is divided into five sections, each with a heading that, when prefaced by the book's title, completes a sentence: ...on a scale of one to ten; ...scream and yell; ...intensify it; ...cut it open; ...take a pill. These section headings evoke a sense of action, of experience and of choice.

The richness of experience evident in the book is largely due to the equally rich backgrounds the three editors bring to the project. Before entering Concordia's MA programme in media studies and subsequently the PhD programme in Communication Studies, Busby worked full-time as a curator in Halifax. Communication Studies Professor Kim Sawchuk, an established academic, has written some art criticism and done performance work, while Burns's experience as a visual artist brings a complementary perspective to the book project.

The idea for *When Pain Strikes* developed out of work Busby and Burns were doing in the late 1980s, but really got off the ground when they received a Canada Council Explorations grant to support the project. As they continued their work, they approached Sawchuk, who had done some research on the marketing of over-the-counter painkillers in Canada and the United States.

"In pain research, science and philosophy have been given primary importance," Busby explains. To address this imbalance, *When Pain Strikes* is designed to serve as a contribution to the field of pain research. Busby points out that the multidisciplinary nature of the book, as well as its range of authors, will make it a valuable textbook for students in Communication Studies, Psychology and Social Work.

NAMES IN THE NEWS

COMPILED BY BARBARA BLACK

Concordia faculty, staff and alumni/ae pop up in the media more often than you might think!

Concordia's petition against handguns continued to spark public discussion in newspapers across the country. **Sara Saber**, the widow of Jaan Saber, talked about the campaign on several local television programmes, including CFTM's *Mongrain*, on CFCF's *Montreal AM Live* with **Taylor Buckner** (Sociology and Anthropology), and on the CBC network with **Hugh Brodie** (Rector's Office).

Rick Molz (Management) was recently on CJAD, talking about privatization, and his colleague, **Louis Hébert**, was on the same station, discussing business strategies. Hébert also spoke about the GATT on CIQC.

Jean-Roch Laurence (Psychology) was interviewed for a feature article in *Châtelaine* magazine on false memories of incest. He warned that we can depend too heavily on the past and on memory to resolve our problems.

A panel on health care costs organized by School of Community and Public Affairs students was reported in the Toronto-based *Medical Post* and *Family Practice* magazines. **Alan Hochstein** (Finance), who was one of the panelists, was subsequently on a CJAD panel on the same subject.

The research by **Wolfgang Bottenberg** (Music) which resulted in a compact disc of music by philosopher Friedrich Nietzsche was the subject of an article by *La Presse*'s music critic Claude Gingras on April 23.

Now, a Toronto weekly newspaper, published an article on the removal of reserve requirements imposed by the Canadian governments on banks, and quoted **Harold Chorney** (Political Science), who disapproves. "There is an enormous amount of money flying around the world — almost a trillion dollars every day — unregulated, which is very, very destabilizing for the public policy of many countries."

Professor Emerita **Patricia Morley** (Simone de Beauvoir) has written her twelfth book, a biography of poet Leo Kennedy called *As Though Life Mattered* (McGill-Queens). It was reviewed in *The Ottawa Citizen* by pre-eminent man of letters George Woodcock, who wrote, "Morley patiently finds the guiding strains in this rather chaotic and often ill-tempered life, and relates them to the gleaming core of Kennedy's poetry. . . It is done with understanding and warmth."

Lisa Serbin (Psychology) was quoted in *The Toronto Star* in an article about boys' and girls' preferences in toys, which may be based on nature rather than nurture after all.

A cover story on the overuse of pesticides in *The Mirror* quoted **Perry Anderson** (Biology/Ecotoxicology) as saying that one of the reasons doctors hesitate to condemn pesticides is that medical practice is so heavily based on drug therapy.

Paulos Milkias (Political Science) was on CBC Radio in Toronto, talking about the conflict in Rwanda.

Dennis Murphy (Communication Studies) and **Lindsay Cryslar** (Journalism) appeared on local radio, discussing the ethical issues raised in the recent double suicide of a McGill University researcher and her husband.

Henry Habib (Political Science) was on CIQC's *Joe Cannon Show*, talking about Richard Nixon's political career.

Nancy Marrelli (Archives) and her work in preserving Montréal's colourful jazz legacy were featured in *The Gazette* on April 25. The article was reprinted in Ottawa, Moncton, Victoria, Red Deer and Calgary.

Barbara MacKay (Associate Vice-Rector, Academic) and her career in drama therapy were profiled in *The Gazette*'s Woman-News section.

Myrna Reis (CRHD) was quoted in a *Gazette* feature on a 77-year-old retired fashion co-ordinator who bought and renovated her own home. Reis said that channelling an old skill into new

avenues is an ideal retirement activity. The story was reprinted in eight Canadian dailies.

Chantal Maillé (Simone de Beauvoir) was interviewed on April 25 by the *Presse Canadienne* about the resignation of Audrey McLaughlin as leader of the New Democratic Party. She said that the lacklustre electoral success of McLaughlin and former Tory leader Kim Campbell will put extra pressure on aspiring or potential woman politicians. It was printed in *La Presse* and *Le Devoir*.

Family Practice magazine, published in Scarborough, Ont., featured an article on the work of **Tracy Lyster**, a PhD student at Concordia's Centre for Research in Human Development, which goes to prove what many of us have long suspected: that simply growing old doesn't necessarily confer wisdom.

Raye Kass (Applied Social Science) and her research in small-group behaviour with astronauts-in-training were featured in *The Gazette*, and reported in Halifax and Calgary.

Clement Lam (Computer Science) was quoted in Toronto, Victoria and Red Deer on the mathematical acumen of Daniel Coriveau, who won \$600,000 at the Montréal Casino.

Charlene Berger (Psychology) was a guest on CBC's *Newswatch*, describing new treatments for pre-menopausal syndrome.

Lydia Sharman (Design Art) was profiled in *The Gazette*'s WomanNews section about her innovative use of traditional Islamic figures to teach children geometry, and the item was reported in eight newspapers.

A friendly and creative collaboration between students led by **Stephen Snow** (Theatre) and mentally handicapped students was *The Gazette*'s Page 3 "Centrepiece" on April 9.

Theatre students **Noelle Therrien** and **Eric Davis** were on *Daybreak*, Therrien, **Wolfgang Vachon** and Theatre Chair **Eric Monaghan** were on CBC's *Prime Time*, and Professor **Gerry Gross** was on CJAD with Jim Duff, all defending the recent production of a Brad Fraser play.

Guy Lachapelle (Political Science) told Southam's Tu Thanh Ha on April 30 that the Bloc Québécois serves the useful purpose of keeping the federal Liberals on their mettle. As a member of a consulting committee to the proposed Québec 2002 Winter Olympics, he was mentioned in *Le Devoir* on April 28. And he spoke on CJAD on April 1 about opinion polls.

Bala Ashtakala (Civil Engineering) was on CJAD recently, talking about summer road-work headaches for drivers.

Many Concordians were interviewed by various media about the interdisciplinary HIV/AIDS course to be given here in the fall, notably **Frances Shaver** (Anthropology and Sociology) and student committee member **Emily Paradis**.

Zalman Amit (CSBN Psychology) was a guest on CJAD's *On Target*, talking about plain packaging for cigarettes.

Dan Otchere (Economics) was on CIQC's *The Joe Cannon Show*, talking about the underground economy.

Lea Katsanis (Marketing) appeared in a page of photos in *Le Journal de Montréal* at a gala honouring outstanding Montréal marketing professionals.

Doctoral student **Keir Keightley** (Communication Studies) and his thesis on Frank Sinatra were the subject of an article in *The Mirror* in March, when he helped to organize a conference at Concordia of the Canadian branch of the International Association for the Study of Popular Music.

CTR's apologies to **Varda Mann-Feder** (Applied Social Science), whose name was dropped from an item in the April 28 column. She was on *Newswatch*, talking about troubled children and their equally troubled families.

LETTERS

Concordia's Thursday Report is interested in your letters, opinions and comments. Letters to the Editor are published at the Editor's discretion. They must be signed, include a phone number, and be delivered to the CTR office (BC-117/1463 Bishop St.) in person, by fax (514-848-2814) or mail by 9 a.m. on the Friday prior to publication. If at all possible, please submit the text on computer diskette. Limit your letter to 500 words. The Editor reserves the right to edit for space considerations, although the utmost care will be taken to preserve the core of the writer's argument.

The following is an open letter to Reginald K. Groome, Chairman of Concordia University's Board of Governors, dated May 19:

Governed by lawyers?

The Concordia University Faculty Association executive is troubled by the extended delay in releasing the Cowan and Arthurs reports. We feel that the University's reputation is being seriously damaged by the Board's failure to speedily inform the University, the general public, and any individual who may be mentioned in these commissioned reports.

As a faculty union, we, of course, expect proper legal procedures to govern the release of these documents; however, we note Arthurs' evident displeasure with the Board's reticence to move expeditiously. Further, we are disturbed by the continuing reports of Concordia being governed by some members of the Board and their lawyers.

Regardless of the very public divisions at the highest levels of our senior administration, we cannot accept that Concordia's most important decisions shall be determined, in camera, by this small group. Therefore, we demand the release of the Arthurs and Cowan reports with the least possible delay to avoid unnecessary adverse publicity, and further leadership so that we can dedicate ourselves to making Concordia the university that the faculty and the general public expect it to be.

June Chaikelson
President, CUFA/APUC

Gray's letter may mislead on fellowships

In his letter to *Concordia's Thursday Report* (April 28), Professor Christopher Gray reported incomplete and potentially misleading information about the awarding of graduate fellowships. His statement leads one to believe that the Graduate Awards Committee was biased towards females in awarding these fellowships. Nothing could be further from the truth.

First of all, the fellowships are awarded on the basis of academic achievement and potential; gender is not considered at all in this process. Second, of the 42 new fellowships, 19 were awarded to males, and 23 of the 47 renewed fellowships were awarded to males. In total, 42 fellowships recipients are males and 46 are females. This distribution of awards by gender differs significantly from what was conveyed in Professor Gray's letter.

George Kanaan
Chair, Graduate Awards Committee

Bujold replies to VA petitioners

Thank you for your letter of April 28 [published in *CTR*, May 12], relaying your concerns with regards to disciplinary measures [toward] a Sec-Pro security agent.

I understand your concerns, and assure you that all decisions involving such disciplinary measures are based on my concerns for the safety of the members of the University community. Also, disciplinary measures of this nature are always taken according to established procedures, and I am unable to comment publicly on specific cases.

Michel Bujold
Director of Security

The following is an open letter to Christopher Hyde, Associate Vice-Rector Finance and Director, of University Advancement:

CUSSU can't support University fund-raising: Berthiaume

In response to your letter in *Concordia's Thursday Report* of May 12, we feel that you are not in a position to evaluate our members' needs or priorities. While our members have not received a salary increase since June 1992, it has come to our attention that you continue to receive raises. How can you reasonably expect our members to enthusiastically support your campaign?

The elimination of the maximum of the Job Evaluation Programme (JEP) salary scale will result in a situation where 50 per cent of our members will not have a raise for at least the next four years. This, combined with Bill 102's wage freeze and the 1-per-cent rollback, lead us to believe that it is entirely appropriate to boycott the Annual Giving Campaign.

Given the importance you attach to our support of the Annual Giving Campaign, we feel that you should let the administration know that respecting the original JEP scale would better serve your Campaign and the whole Concordia community.

Danièle Berthiaume
President, Concordia University Support Staff Union

Liaison, Admissions and other student services to be Faculty-oriented

Big changes in store for Registrar's Office

BY BARBARA BLACK

A MAJOR ADMINISTRATIVE reorganization may be in place by the fall which should improve the way Concordia serves its students, and will definitely change the jobs of 81 people.

In fact, even the name of the unit is being changed, from Student Administrative Services to Office of the Registrar.

Registrar Bruce Smart traces the massive overhaul of tasks and personnel to Vice-Rector Services Charles Bertrand in January 1991. A task force chaired by Associate Vice-Rector Services (Student Life) Donald Boisvert, with representation from across the University, worked on the project, and the Student Administrative Services Review Committee Final Report was submitted to Bertrand last February.

The thinking behind the changes, Smart said, is that "we would better serve our clientele if instead of being organized along our own administrative lines, we were organized in Faculty service teams." In other words, the four Faculties (Arts and Sciences, Commerce and Administration, Engineering and Computer Science and Fine Arts) are so distinct that they need tailor-made teams. Not only will the student services be more appropriate for each Faculty, but a hoped-for spinoff is that the Faculties will feel they have a greater stake in their operation.

Liaison, Admissions, Graduation and Data Control will have their functions absorbed into Faculty teams providing a full range of services, including recruiting, admission, record-keeping, graduation, grade-processing, failure assessment, Faculty statistics, correspondence and filing. Each will be headed by an Assistant Registrar assigned to one Faculty who will have additional duties spanning the University.

Carol Foster (currently Assistant

Registrar, Registrar's Office, with responsibilities for registration, convocation and student service centres) will be Assistant Registrar for Commerce and Administration. She will also have a combined Examination and Registration unit reporting to her.

Terry Too (currently Assistant Director, Student Administrative Services) will be Assistant Registrar for Engineering and Computer Science. He will also lead a unit that will provide Student Information Systems (SIS) and Office Systems Support.

Pete Regimbald (currently Director of Liaison) will be Assistant Registrar for Fine Arts. Among his tasks will be the development of an office-wide publications unit which will design and distribute internal and external publications (in co-ordination with the University's Marketing Communications Department), and the co-ordination of recruitment plans for the University.

Tom Swift (currently Director of Admissions) will be Assistant Registrar for the School of Graduate Studies, working toward providing a greater range of services to the School, including a Graduate Application Centre. In addition, he will co-ordinate undergraduate admission policies, and direct international student recruiting and admission.

Lynne Prendergast (currently Associate Director of Admissions) will be Assistant Registrar for Student Services. Reporting to her will be the Student Service Centres (including Transcripts) and the Telephone Service unit. She will also look after RECU (Recensement des clientèles universitaires, the government reporting system that determines our funding), University statistics, enrolment forecasts, and the development of new statistical reports and forecasts.

Smart, recently confirmed in his post for another five years, is enthusiastic about the changes, which

reflect a widespread movement beyond the University.

"We were designing processes for the University and asking the users to fit in, but a lot of businesses now are defining themselves in terms of their clients."

However, he is acutely aware of the trauma for the 81 employees who will see their working life radically redefined. Despite repeated assurances that no one will lose his or her job, he said, "There is a lot of stress out there, and the healing won't begin until the operation is over." He and the rest of the management team, with support from Human Resources, are now wrestling with job descriptions which he admits will not in every case match current grades.

Smart says that the reorganization will probably neither cost nor save money. Although his office, like all others, is required to save money this year, those savings will not be made at the expense of jobs. Nor is the project part of the organizational review now in progress; the team of internal and external consultants will examine the unit in its Phase Two, after the changes are in place.

The Registrar's Office is located on the seventh floor of the J.W. McConnell Building, plus the two Student Service Centres on the Loyola and Sir George Williams Campuses. Operations will continue as usual until the new system is put in place, probably in the fall.

CONCORDIA'S THURSDAY REPORT

Concordia's Thursday Report is the community newspaper of the University, serving faculty, staff, students, and administration on the Loyola Campus and the Sir George Williams Campus. It is published 26 times during the academic year on a weekly basis by the Public Relations Department of Concordia University, 1455 de Maisonneuve Blvd. W., Montréal, Québec H3G 1M8 (514) 848-4882
E-mail: ctr@domingo.concordia.ca

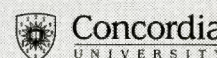
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ISSN 1185-3689

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IN BRIEF...

McTavish to head AMBA

Marketing Professor Ron McTavish has been named Director of the Aviation Master's of Business Administration (AMBA) programme.

The appointment, effective June 1, 1994 to May 31, 1997, was announced last week by Christopher Ross, Dean of the Faculty of Commerce and Administration.

McTavish was appointed Full Professor in June 1982, and has served the Faculty as Chair of the Departments of Decision Sciences and M.I.S., and Marketing. He has also been the Director of the Concordia Centre for Management Studies. He has extensive experience in executive education, and has taught in the Executive MBA programme.

Bill 102 cuts in 1994-95

The Québec government's cost-cutting legislation which requires a one percent salary reduction for all public employees will be in effect again in the 1994-95 academic year.

Vice-Rector (Institutional Relations and Finance) Maurice Cohen has circulated a memo within the University to explain how the cuts will apply to Concordia staff.

Employees may select up to two days off without pay, depending upon their date of hire and employment status (full- or part-time) between June 1, 1994 and March 31, 1995. The salary reduction will be pro-rated over the pay period from May 17, 1994 to March 31, 1995. Since that is only 46 weeks, the weekly salary reduction will be 1.13 per cent.

For more information, please call Human Resources at 848-3670.



Alabama-bound

The projects of three high-school science students, all from Royal West Academy, were chosen by Engineering and Computer Science faculty members and others from more than 180 entries at the recent Bell Montreal Regional Science Fair (BMRSF). The winning projects represented the BMRSF at the International Science and Engineering Fair in Birmingham, Alabama, last month. Pictured in the back row before they left are students Michael Simkin and Biago Tambasso. In the front row, judges Rocco lafigliola (Marianopolis College), Engineering Professor Corinne Jetté, Dean Donat Taddeo, and Morrie Bakerman, (Royal West). Missing is student Jay Pierrepoint. A project by Tambasso and Pierrepoint called "A Barrier for Sound" won a first prize from the Acoustical Society of America.

Granting agencies demanding ethics codes by 1995

Disclosure form proposed by Bird ethics committee

BY BARBARA BLACK

A TASK FORCE ESTABLISHED to create a code of ethics for Concordia suggests that all employees and fellowship holders annually submit a confidential disclosure of their paid activities outside the University.

This is one of several recommendations by the task force, chaired by Religion Professor Frederick Bird, which was appointed by the Rector last summer to hold public hearings on a draft code prepared by the University's Legal Counsel, Bram Freedman. From October to March, the committee held many meetings, and is now circulating the draft code for feedback.

While the task force calls for annual disclosure forms, adjudicatory procedures and an ethics advisory committee, its "Guidelines for Ethical Action" stress the importance of solving problems early and informally.

The code, written as guidelines rather than as a set of rules, explores conflicts of interest and integrity in scholarship and creative activity, and

suggests ways to manage questionable practices through the exercise of "supervisory and collegial patterns of accountability."

In an interview, Professor Bird said that the document is intended as a guide to ethical behaviour at every level of Concordia — the Board of Governors, administrators, faculty, students and support staff.

The covering letter which accompanied the proposal sets out in frank terms the urgency of the matter:

"One, the University has no code of ethics governing research and scholarship generally. Two, it has no guidelines for University members regarding conflicts of interest. Three, it has no comprehensive adjudicatory procedures to allow for fair hearings of alleged misconduct. And four, the major federal agencies funding academic research have indicated that universities must have codes of ethics dealing with these concerns by June 1995 if members are to be eligible to receive research funds.

"For these reasons, we must act quickly."

The members of the Consultative

See Bird, p. 11

Team welcomes new ideas

Employees become part of organizational review

BY CHRIS MOTA

PHASE ONE OF THE UNIVERSITY'S review of administrative and service sectors is well under way, and members of the project team are encouraged by the response they've received.

Initial reaction to the announcement that external consultants were being hired to look at the way work is done here was mixed. Although most people realized the need for such a review to help the University cut 10 per cent of its day-to-day operating expenses in the administrative and service sectors during the next five years, there were fears about how it would be conducted and how much it would cost.

David Gobby, a Planning Officer in Institutional Planning and Research, was one of the skeptics. "I was in favour of the organizational review, but I thought we had enough competent people at Concordia to handle it ourselves."

Gobby, one of four Concordia employees selected to work side by side with the consultants, has since changed his opinion.

"Although I believe we have competent people at Concordia, if it had been solely an internal process, I doubt whether we would have been given the necessary training and methodology

that the outside firm—Canada Consulting—brings to it." He says he is impressed with the firm's "scope, methodology and rigour."

As the Organizational Reviews Steering Committee has said in communiqués to the University community, the reviews will occur in phases. Phase One units under review include Treasury, Purchasing Services, Human Resources, Physical Resources, Computing Services, Parking, Mail Services, Distribution Services, Faculty Personnel, Internal Audit and Environmental Health and Safety. These units, taken together, represent about half of the administrative and service sectors.

The focus of the team's approach is to map the processes of the University to understand how work gets done. Once the data is collected, it will look for ways to simplify processes and eliminate unnecessary work.

The project will not be assessing employee performance, a misapprehension some people still hold. Lucille Fowle, a manager with Canada Consulting, says that the motivation of the project team is in finding ways to help the University function effectively, and that savings will follow as a result of this. Fowle said there is no truth to the rumour that her company will receive a bonus for each job cut. "We're paid a flat fee for our services."

Once people's fears are allayed, they become a vital part of the process. "People like to talk about what they do," said Fowle, "and no one knows their jobs better than they do."

Gabrielle Korn, Assistant Director of Alumni Affairs and a member of the project team, agrees. She has been encouraged by the willingness of employees to take part in the process. "They really feel they are making a contribution."

Some people have expressed a concern about the implementation of the recommendations. "If they are solid, well-researched recommendations, there should be no reason not to implement them," said Gobby.

The recommendations will be presented to the Steering Committee for Operational Reviews, who will report to the Office of the Rector. The final stage includes meetings with department heads and other constituents to determine how to proceed with the recommendations.

Although Canada Consulting's responsibilities end here, they will assist in planning the implementation process as appropriate.

The four Concordia employees on the team—Michael Babin (Manager, Office Technology, Computer Services) Joan Soares (Assistant to the Director, Administrative Services), Gobby and Korn—have learned a lot.

"I never realized how complicated some procedures could be. What I thought was a simple request could involve many people, hours of work and considerable costs," said Gobby. The recommendations of the project team may help to uncomplicate those processes.

The project team welcomes comments and suggestions about the review from the Concordia community.

This is echoed by the members of the Organizational Reviews Steering Committee. Joy Bennett, Associate Vice-Rector, Institutional Relations and Finance, chairs the Steering Committee. She has indicated that there are plans to have open meetings which will focus on certain issues, to which the community will be invited.

A 24-hour hotline has been established by the Project Team at local 4803 to take suggestions and comments. If they are unavailable to take your call, an answering machine will ask you for your name and phone number, and someone will get back to you as soon as possible.

Surveys will be distributed soon to a large segment of faculty and staff. To ensure that Phase One deadlines are met, the Project Team would appreciate everyone's co-operation in completing and returning the questionnaires as quickly as possible.

CUFA Election Results

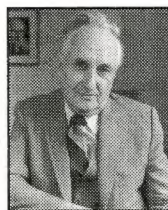
Following are the results of the election held last month for officers in the Concordia University Faculty Association. The numerals represent constituency numbers.

1. (English and Philosophy): Seat 1, Edmund Egan; Alternate, Edward Pechter
3. (Études françaises): Paul Baudia
5. (History): Carolyn Fick
7. (Political Science, Geography and Urban Studies): Klaus Herrmann
8. (Psychology and Applied Social Science): Seat 2, Vacant (no nominees)
10. (Education): Vacant (no nominees)
12. (Biology, Science and Human Affairs, Exercise Science and Leisure Studies): Kuldip Dhindsa
14. (Mathematics and Statistics, Physics and Geology): Alternate, Stan Morris
15. (Librarians, Library Studies, Centres, Scholls and Institutes): Seat 1, Ann Golubowski
16. (Accountancy and Finance): Seat 1, Brian Markland
17. (Management and Marketing): Seat 1, Joseph Kelly
18. (Decision Sciences and MIS): Vacant (no nominees)
19. (Electrical and Computer Engineering, CBS): Radu Zmeureanu
20. (Mechanical Engineering and Civil Engineering): Amruth Ramamurthy
22. (Art History, Art Education and Art Therapy, Sculpture and Ceramics): Vacant (no nominees)
23. (Music, Theatre and Design): Vacant (no nominees)
24. (Cinema Photography, Painting and Drawing, Printmaking and Dance): Vacant (no nominees)

Results of the vote on the collective agreement: For, 283; Against, 33; Abstained, 1. Ratified.

FACULTY PROMOTIONS

PROFESSOR EMERITUS ARTS AND SCIENCE



Mark Doughty

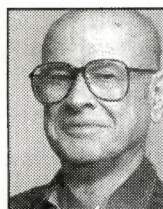
Mark Doughty has had a long and distinguished career at Concordia. He came to Loyola College as Assistant Professor in 1963 from Mount St. Mary's College (UK), where he was Head of the Chemistry Department. Before that, he was a Lecturer at Stafford College of Technology. He earned the respect of his colleagues, and in 1970, he was elected Chair of the Department for seven years.

Under his guidance, the Department grew, and novel programmes were developed, such as Biochemistry with a Medicinal Chemistry option. He was Chair of the Loyola department at the time of the merger with Sir George Williams University, and his work was essential to the smooth transition that took place.

Dr. Doughty is a devoted teacher. He inspires students in courses that many take only because they are required; the word soon spreads that his course is the most enjoyable.

Throughout his career, he has always been receptive to various administrative tasks. One task that proved to be particularly rewarding for Concordia was his membership on the planning committee that resulted in the establishment of Loneragan College. He has been affiliated with the College since its inception as a member and as an active leader in the tutorials; he has conducted seminars, and served as Principal from 1984 to 1987. Although he has retired from full-time employment at Concordia, he continues to be active in Loneragan, and he teaches in the Department of Chemistry and Biochemistry on a part-time basis.

Dr. Doughty has an integrated knowledge



Richard D. McDonald

Richard McDonald served from 1942-46 in the YMCA War Services with the RCAF Bomber Command in Yorkshire, England. He received his MSW in 1952 from the University of Toronto, and was Director of Programme Services and Research for the Toronto YMCA (1949-1959) and National Director of Programme Services and Research for the National Council of YMCAs of Canada (1959-1964).

During his years with the YMCA, Professor McDonald developed a unique approach to community consultation which led to an invitation in 1968 by Sir George Williams University (now Concordia University) to join its new Department of Applied Social Science and Centre for Human Relations and Community Studies.

He served as Department Chair from 1973-79, presiding over significant expansion, and helped to establish the Certificate in Family Life Education and Certificate in Community Service.

With Dr. Hedley Dimock, Professor McDonald developed the Centre's Trainer Development Programme, the first of its kind in Canada.

He has consulted with well over 200 organizations and communities, including a study of the Cree of the Mistassini-Chibougamau region of Québec.

Professor McDonald helped to revive the Notre-Dame-de-Grace Community Council, whose vibrant existence is a living testament to his work, and continues to support the family life educators and social agencies of Montréal. In 1977, he was awarded the Queen's Jubilee Medal for exemplary service to his profession and community.

Deeply committed to assisting adults learn throughout their lives, he was an Associate Fellow of the Centre for Mature Students at



Harold Entwistle

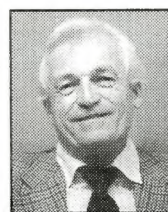
Harold Entwistle joined the Education Department at Sir George Williams University in 1969 with extensive experience in the United Kingdom, both as a schoolteacher and in teacher education. He had previously taught at Manchester University, and earned his doctorate at the University of London. He was also long active in the British Labour Party.

In the course of a career spanning some 45 years, he has secured a reputation as one among a few leading contributors to the advancement of educational theory as a multi-disciplinary field with the philosophy of education at its core. He has sought to unite the relation between theory and practice in education with the multi-faceted character of the discipline of education itself. Among his many publications, five books indicate the directions his contribution has taken: *Child-Centred Education*, *Political Education in a Democracy*, *Class Culture and Education*, *Education, Work and Leisure*, and *Antonio Gramsci: Conservative Education for Radical Politics*.

Often referring to himself as an "old-style theorist," he continues to be persuaded by the commonsense tradition — and the rich pedagogy — with which that label has been widely identified. In the spirit of that tradition, he played a major role in founding Concordia's Department of Education, and the graduate programme in Educational Studies.

He has long been active in the Canadian Philosophy of Education Society, of which he is currently president and reviews editor for the society's journal, *Paideusis*.

Full Professor for the past 20 years, he is still



Miroslav F. Malik

Miroslav Malik was born in 1931 in Czechoslovakia. He graduated from FAMU, Prague, in the field of film sciences, and did postgraduate studies in Germany, Britain, and France.

Professor Malik taught communication analysis, research and programming from 1967 until 1988 in the Department of Communication Studies. He founded and operated the Learning Centre, where self-instructional, programmed courses have been taught since 1970, as well as the Myer Pollock Communication Research Laboratory, from 1974 until 1988.

Dr. Malik is the author of eight books and 57 major articles; he co-operated on 34 international exhibitions, including Expo '67, Bruxelles '58 and Osaka '70. He is internationally known for his definition of

COMMERCE AND ADMINISTRATION



Calvin C. Potter

Calvin Potter was born in Montréal in 1919. He obtained a BSc in

Commerce at Sir George Williams University in 1948, followed by a Master's in Business Administration from McGill University in 1950, followed by his PhD in 1954.

Dr. Potter started his distinguished teaching career as Assistant Professor of Finance at McMaster University. Three years later he became an Associate Professor, and in 1960, with the rank of Professor, he was invited to organize and chair the Department of Finance and Accounting, a post he held until 1967, when he became the Supervisor of Graduate Studies. In 1967, Dr. Potter was a visiting professor at the University of British Columbia.

In 1968, he returned to Sir George Williams to organize and chair the Department of Finance. This was a post he was to keep until

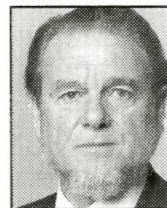
1978, when he returned to the teaching he loved and to the research in which he excelled.

A long list of briefs, studies, articles and other publications is the best evidence of the dedication that Calvin Potter, a gifted researcher, has always brought to his search for truth and for the solutions to so many problems. His book, *Finance and Business Administration in Canada*, first published in 1966 and in a revised edition in 1970, is considered a classic, and is often quoted in university classrooms across the nation.

Calvin Potter will long be remembered for his community activities and for his efficiency as a member of the executive of the Concordia University Faculty Association (CUFA) and as its President during the academic term of 1981-1982.

His desire to help humanity and improve education not only at Concordia but throughout Québec has always been an inspiration and the

ENGINEERING AND COMPUTER SCIENCE



Cedric Marsh

Cedric Marsh came to the Department of Civil Engineering of Sir George Williams University in 1969 after extensive experience in industry. He was promoted to the rank of Full Professor in 1975, and played an essential role, as a founding member, in the creation of the Centre for Building Studies.

A recognized international expert in the area of aluminum structures, Dr. Marsh has also gained renown for his knowledge of the theoretical aspects of structural mechanics as well as devices for dissipating seismic energy.

This expertise has been recognized by the support he has received over the years from the federal and provincial governments, as well as industry, in the form of research grants and contracts. Dr. Marsh has also published extensively. He has taught a variety of courses at both the graduate and undergraduate levels, and has successfully supervised MA and PhD students.

FINE ARTS



Stanley Horner

Stanley Horner joined Sir George Williams University's Department of Fine Arts in 1963 as a lecturer, and was promoted to Assistant Professor in 1965, Associate Professor in 1970 and Full Professor in 1989. He retired from the University in 1993.

Professor Horner joined the University in the early stages of the development of the Faculty of Fine Arts, and he has had an important influence on the planning and organization of the Faculty's programmes and structures. His knowledge and sensitivity were instrumental in the development of the departments of the performing arts (Music, Drama and Dance). His pioneering work in multi-media made an important contribution to the development of open media as a field. Professor Horner's work has also supported the introduction of film and photography into the Faculty. From the beginning, it was evident that his abilities spanned the studio arts and their theoretical foundations. Stanley Horner's ideas also played an important role in the development of fine arts in Canada, inasmuch as Concordia University was the first to develop the following Canadian graduate programmes: the MA in Art Education, the MFA in Studio Art and the PhD in Art Education.

Above and beyond Professor Horner's gener-

ative role in helping to shape fine arts and art education in Canada, he has been a substantial and inspiring presence. As a role model in theory building, innovation in art and teaching, he has been instrumental in the intellectual development of faculty. He has helped many students to grow as teachers and to find their own voices. These students have initiated programmes in art and art education throughout Canada.



Leah Sherman

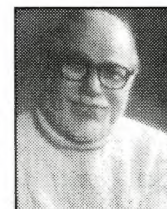
Leah Sherman joined Sir George Williams University in 1960 as an Assistant Professor, having taught part-time

in the Faculty of Arts since 1950. She was promoted to Associate Professor in 1965, and to Full Professor in 1969. She retired from the University on May 31, 1994.

Professor Sherman is one of the founding members of the Faculty of Fine Arts, and her steadfast commitment to teaching, grounded in the arts, has enriched and strengthened the Faculty. She has, through her vision of art education, made an outstanding impact upon the education of many students in this province and country. Professor Sherman, along with Douglas Clarke and Alfred Pinsky, helped to found the Department of Fine Arts at Sir George Williams University. With Alfred Pinsky and Stanley Horner, she conceptualized and implemented the original Fine Arts curriculum. Her excellent understanding of the internal and external educational environment helped her to put into place the BFA in Art Education (1965), the MA in Art Education (one of the first two graduate programmes offered by SGW-U), the PhD in Art Education (1967) and the Diploma in Art Education for Certification (1969). These programmes have helped to establish the Faculty of Fine Arts as a highly regarded North American institution of higher learning in the arts.

In addition to these important and long-lasting initiatives, Professor Sherman has given generously of her energy and effort as a spokesperson and advocate for the fine arts within the university community and beyond it. Within Concordia, Professor Sherman has served on many University Task Forces and committees. In recognition of her expertise in children's artistic development, she has been a member of the Centre for Research in Human Development since 1981. Professor Sherman is involved in funded research in the history of art education and regularly publishes in this area. Her work in the history of Québec art education, particularly the work and legacy of Anne Savage, has provided an important source

FULL PROFESSOR ARTS AND SCIENCE



**Alex Newell
English
(Effective
June 1, 1992)**

Alex Newell earned his undergraduate and graduate degrees at the University of

Pittsburgh.

After coming to teach courses in Shakespeare at Loyola College in 1966, Dr. Newell committed himself to acquiring first-hand knowledge of the theatre as actor, director and playwright, undertaking dramatic productions with his classes. For a staging of *The Winter's Tale*, he converted what had been the Jesuit refectory at Loyola (now occupied by the Music Department) into a facsimile of an Elizabethan private playhouse like Blackfriars' Theatre, where the play was first performed.

Dr. Newell has for many years been an active member of the Shakespeare Association of America and other professional organizations. In 1986, he was invited to participate in a seminar at the World Shakespeare Congress held in

Germany, where some of his work had been published in translation. He wrote a long personal essay based on his experience in Germany which was published in *The Canadian Forum* and anthologized in a collection of readings for German students.

In 1991, upon the publication of his book, *The Soliloquies in Hamlet: The Structural Design*, he was invited by the International Shakespeare Association to lead a research seminar on "Hamlet and Hamletism" at the World Shakespeare Congress, held in Tokyo.

Dr. Newell has published essays on Shakespeare and other topics, and serves as a reviewer of plays for the *Shakespeare Bulletin: A Journal of Performance Criticism and Scholarship*. He has written a play about racial conflict, *White Clouds, Black Dreams*, which has had a number of productions in the United States.

At Concordia, Dr. Newell has taught courses in Shakespeare, American literature, modern drama, and American drama. He conceived and taught an interdisciplinary programme on Eliz-



**Daphne Fairbairn
Biology**

Daphne Fairbairn joined the Biology Department in 1982 at the rank of Assistant Professor following six years in several post-doctoral research, teaching and editorial positions. She was promoted to Associate Professor in 1987 on the basis of her substantial research, teaching and service contributions.

Since joining the Department, Dr. Fairbairn has developed four highly successful courses, supervised numerous undergraduate and graduate thesis projects and contributed most effectively to a broad range of committees at departmental, faculty and university levels. Her teaching accomplishments were recognized by the Concordia Council on Student Life, which presented her with a Teaching Excellence Award this year.

She has developed a highly successful research programme which involves both field studies and laboratory experimentation in the area of evolutionary biology and ecology of insects. Her work on environmental and genetic factors affecting evolution of size dimorphism and migration, primarily in insects, has received enthusiastic attention from colleagues in her field and made substantial contribution to general evolutionary theory.

Dr. Fairbairn has been very active in publishing and presenting the results of her research work since coming to Concordia. Since 1983, she has published 19 papers in refereed journals and made a similar number of conference presentations. During the past six years, she has been invited to present research seminars at 12 Canadian and American universities. The quality and impact of her research are further confirmed by her continuous funding from NSERC, her extensive involvement in reviewing



**M. Judith Kornblatt
Chemistry and
Biochemistry**

Judith Kornblatt joined the Department of Chemistry and Biochemistry on a full-time basis in 1975, and was at that time one of only two full-time appointments in Biochemistry.

The enrollment of students in the Biochemistry programme was already high, comprising about half of the total enrollment for the Department. In addition to being required to carry out an active research programme, she was also expected to administer and develop the undergraduate programme with little assistance, and because of the shortage of qualified faculty, was also required to assume a very heavy teaching load. This situation continued virtually unchanged throughout the first 15 years of her appointment.

Despite these handicaps, Dr. Kornblatt started a flourishing NSERC (Natural Sciences and Engineering Research Council) funded research programme in enzymology. This research has been continually supported since its inception and has resulted in a steady flow of

Lessons from the Fabrikant File

The complete report
by John Scott Cowan
with responses from
the University.

Concordia's Thursday Report
June 1994

Supplement designed and typeset
for Concordia's Thursday Report
by Marc Elias, June 1994

Lessons from the Fabrikant File

A report to the Board of Governors
of Concordia University

An independent review of the
employment history of Valery
Fabrikant at Concordia University,
with particular emphasis on
concrete measures to enhance the
future ability of the University to
deal with a wide range of issues
raised by the case in question.

by John Scott Cowan
May, 1994

PREFACE

THE POLICE ARRESTED DR. VALERY FABRIKANT AND ESCORTED HIM FROM the campus of Concordia University on the afternoon of Monday, August 24, 1992. They left the institution from which they had removed him awash in a sea of fear, regret, guilt and blame.

Now, over 20 months later, it has still not fully made landfall. The ubiquitous "what if" and the corrosive "why didn't I," either overtly or by implication, suffuse scores of post-August 24th documents and nearly every interview I have conducted over the past four months. It is not a secret that the institution remains riven over many issues, and the public battles of its senior officers have been blamed for a profound stasis, of which that battle may be more symptom than cause. Indeed, finger-pointing has become a substantial intramural pastime at all levels.

The decision by the Board of Governors, following the conviction of Dr. Fabrikant, to commission separate studies on the issues of scientific integrity on the one hand and of a wide range of administrative issues on the other, is an important part of the process of healing and moving on. Employees, students and friends of the institution need to know that changes are taking place, and that the institution will not be so vulnerable in the future.

In the report which follows, I identify a substantial number of actions or omissions which I consider to be mistakes. It is, of course, vastly easier to see mistakes with a retrospectroscope. In many cases the mistakes were exacerbated or caused in their entirety by decisional processes, policies, practices and mechanisms which were never designed or contemplated to carry the burden of a like case. In such a milieu, very fine people can make very poor decisions.

I cannot avoid identifying mistakes, because it is that analysis which may make the recommendations of this report credible. My great fear is that in doing so I may add to the burdens of some individuals. Mistakes, of course, are made in every university or other enterprise every day. Mistakes like many of the ones made at Concordia are really rather common. Their consequences are usually much less severe.

Thus I urge any reader of this report to keep firmly fixed on this point: **only Valery Fabrikant caused murder.** Only he was charged. Only he was convicted. No one should be seduced by his argument that others made him do it. **No other person whose decisions or actions are questioned in this report caused murder.** The findings of this review may suggest that on certain matters, the University was too benign or too passive with Dr. Fabrikant, while on others it may indeed have treated him harshly. Such errors are not rare. Usually, they are easily corrected. The penalty for such mundane error should not be to feel complicitous in murder.

to take the matter further.

2. Dr. Cowan says that the complainant contacted me again in 1989. That is not true.

3. Dr. Cowan says that the complainant phoned the Vice-Rector's office in April 1992 to explain her story. In fact, this occurred in April 1991.

4. Dr. Cowan says there was no telephone contact between me and the complainant following my refusal to discuss the case with the Assistant to the Vice-Rector without the complainant's permission. This is not true. In fact, the complainant called me and we met. During our conversation, she made two points very clearly:

- a) She wanted the University to know that Dr. Fabrikant had a history of violent behavior, even though she still had no intention or wish for any action to be taken on her complaint of the incident that had taken place a decade earlier.
- b) She wanted some assurance that if she returned to the University to complete her degree, Dr. Fabrikant would be in no position to harass her.

Both these points I subsequently conveyed to the Assistant to the Vice-Rector.

5. Dr. Cowan makes two references to a police report indicating that the complainant had been taken to the hospital with a dislocated shoulder. He claims that neither I nor the Assistant to the Vice-Rector followed up on this report, with the clear implication that we were remiss in failing to do so. In fact, I did follow it up and actually saw the police report back in 1982 following the student's original complaint. However, it contained very few details, certainly nothing that shed any new light on the case and, given the complainant's refusal to press criminal charges or to have the University take any action, there was nothing further my terms of reference would allow me to do.

6. Dr. Cowan says that the University Assistant Legal Counsel called me in 1992 asking about rumours of a rape accusation and that in response I suggested he should speak to the Assistant to the Vice-Rector. In fact the Assistant Legal Counsel called to ask whether I would contact the complainant to ask her to comment on Dr. Fabrikant's application for a gun transportation permit. It was my feeling that such a request would be more appropriate coming direct from the Vice-Rector's office and, given that the Assistant to the Vice-Rector had already spoken at length to the complainant, I suggested that she was better suited to make the call. The complainant later informed me that no one ever did contact her.

Confidentiality and the University: A major point in this section of Dr. Cowan's report (page 15) relates to the role of the Ombudsperson and the difficulty of balancing responsibilities to complainants as individuals and to the University as a whole. This is a dilemma that I have often identified myself. And indeed it was with the responsibility to the University in mind that in 1989, when I heard rumours that people were concerned about Dr. Fabrikant's behavior, I thought long and hard about the 1982 complaint, and after considerable reflection, decided that I must contact both Grendon Haines and Catherine MacKenzie. This I did, informing them, albeit without specific details, that an allegation had been made to me some years earlier of an incident of Dr. Fabrikant's violent behavior.

I discussed this action on my part very fully with Dr. Cowan; I described both my quandary and the reasons why I made those calls. Given these facts, his failure to record this part of our discussion and, to the contrary, to imply that I was in some way negligent in failing to disclose what I knew, seems incredible.

Relevance to the case: Finally, in light of the innumerable examples of Dr. Fabrikant's aggressive, threatening and unacceptable behavior, of which many people were aware after 1982, Dr. Cowan's focus on the role of the Ombudsperson, even had his 'facts' reflected what really happened, seems at best disproportionate and misplaced.

Fabrikant. The impetus for her call was a Montreal Mirror newspaper article concerning Dr. Fabrikant's claims against Concordia University. I returned this call and established that 1) this former student's motives were to provide the University with this information for information's sake, and 2) she vehemently objected to having any further official contact with respect to this matter. This attitude did not change even when I encouraged the individual that the Vice-Rector, Academic would be prepared to keep her statements confidential. I had asked if the individual had filed a police report at the time. She replied that she had not filed a police report but that during the same year she had opened a file with the Ombudsperson of the University. The former student gave me permission to access her file from the Ombudsperson. The Ombudsperson S. Belson declined my request for access to this person's file, as she is obliged to respect the stringent guidelines which her office must observe in order to ensure confidentiality and the full independence from the institution, its officers or representatives.

Ms. Belson stated that she had to have direct permission from the former student. I followed up with several telephone calls to the former student encouraging her to contact Ms. Belson directly. The Vice-Rector, Academic was briefed on the subject on the same day as the call was received, and she was briefed periodically over the few weeks which followed. Despite the reassurances given to this individual to protect her confidentiality, she refused to pursue the matter of providing this office or that of the Ombudsperson's office with the necessary authorization.

In any such situation, we are required to balance the rights of the people involved, i.e. those of the person alleging the events and those of the person against whom the allegations were made. In this light, the refusal of the individual to file a formal complaint and/or to authorize the University to have access to her file with the Ombudsperson and given the lack of information corroborating the claims, it was decided that we could not pursue this matter any further. As a footnote, though this individual was available to testify at the criminal trial, she was not called by the Crown to do so.

I discussed all of the particulars of this incident with Dr. Cowan in a telephone conversation on April 8, 1994 and at an interview on April 14, 1994. I am surprised and dismayed that Dr. Cowan gave such amplification to this incident in his report, when he had indicated to me at the interview that it may warrant "a line or two."

ANGELA WILSON
WRIGHT
ASSISTANT TO THE
VICE-RECTOR,
ACADEMIC

THE PURPOSE OF MY RESPONSE IS TO PROVIDE QUALIFICATION AND clarification to my dealings with an alleged sexual assault report which Dr. Cowan dealt with on pages 14 and 15 of [his] report.

The Office of the Vice-Rector, Academic received a telephone call in late March or early April, 1992 from a former student who indicated that she had been sexually and physically assaulted in 1982 by Dr. V.

THE DECISION BY THE BOARD OF GOVERNORS OF CONCORDIA University to seek an independent review of employment history of Dr. Valery Fabrikant at Concordia was taken on September 22, 1993. It was, however, not until November 10, 1993 that the Executive Committee of the Board appointed me as the independent person external to the University to carry out the review, and I did not begin that task until mid-December 1993.

The two relevant resolutions of the Board and of the Executive Committee are included as Appendix A. The Board resolution contains the full mandate for the review, but it can largely be summarized as a mandate to review all available documents, plus, where I deemed it useful, to interview persons capable of providing additional information. Based upon that review, I was to make recommendations to the University to enhance its future ability to deal with a wide range of human resource matters specifically noted in the mandate, as well as any other policies, procedures and practices I considered relevant to the subject matter of the review.

The mandate is somewhat open-ended, but the Board, not knowing what useful element might arise, chose not to limit scope, but rather to limit time, requiring the report no later than six months after beginning work.

A review is not a public inquiry, and I felt that no useful purpose would be served by public hearings. Indeed, there remains so much pain on these matters that I profoundly doubt that the marvellous candour which so many people exhibited in their dealings with me would have been possible in a more formal or more public setting. Nonetheless, I did not wish my ignorance to inadvertently exclude anyone from the process who felt they had something to contribute, so in addition to directly requesting meetings with a number of people, a general invitation was widely circulated to the University community. It is included as Appendix B. Thus I believe that everyone who wished to provide views or information has been given an opportunity to do so, and could choose whether to do so orally or in writing. More than two dozen people have been interviewed in confidence, a few on more than one occasion. Others submitted written comment.

I wish to thank all those members of the Concordia community who provided me with views, recollections, or materials. I was struck by the widespread willingness to be open, and by the efforts which people made to find me anything I was looking for. Every single person I invited to meet with me did so.

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The administration, and specifically the office of the Secretary General, facilitated my work both by making space and support services available to me whenever I requested them, and by making available to me copies of every single piece of paper which could be located in University files which related to the case at hand.

A measure of the difficulty of this latter task was seen when, in the course of interviews, some individuals proffered their own private stashes of documents which they thought explained their actions or observations better than what I might already have seen. While I received such additional documents gratefully, on later analysis I discovered that I already had greater than 95 per cent of these "additional" documents in my possession, and furthermore, the small percentage of genuinely new documents turned up in this fashion all had the effect of corroborating things which were already known from the great mass of documentation provided to me at the outset. While I have not kept careful count, it is my approximation that I have now read roughly 900 documents of varying length on this matter.

This review in part ran concurrently with other processes, including the deliberations of the Independent Committee of Inquiry into Academic and Scientific Integrity, chaired by H. W. Arthurs, and the ongoing efforts of internal task forces within the University to establish new policy both in the domain of ethics and in the domain of rights, responsibilities and behavior. The report of Arthurs et al makes a point in its introduction which applies as well to my report and is worthwhile paraphrasing here: the help from University officers and employees notwithstanding, none of them were privy to any information provided to me in confidence, nor did any of them assist in the drafting of this report.

Lastly, a comment about timing seems germane. The Board initiated this review after Dr. Fabrikant had been convicted and sentenced for

his crimes. It was clearly not intended to be a review of those matters which have been resolved by the criminal justice system. The natural tendency to link those matters to the substance of my report should be resisted, and I have so pleaded in my preface. Arthurs et al have also done so eloquently in the introduction to their report. If in my report I am critical of the efforts of the institution to effectively address the problem of Dr. Fabrikant's behavior, I speak exclusively about behavior before August 24th, 1993 which interfered with the rights of others to go about their work unimpeded, and not his behavior on August 24th. Likewise, if I am critical of certain academic decisions taken by the institution and its servants in this matter, I am not suggesting for one moment that these "wrong" decisions, all of which would likely have corrected themselves before today's date in any event, had Dr. Fabrikant done nothing but his job, can in any way account for or justify Dr. Fabrikant's deranged notions of grievance resolution.

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STRUCTURE OF
THE REPORT

The main body of this report is composed of three parts.

Part 1, by way of a general summary, contains some of the major working hypotheses which my review has tended to confirm, and some of the general observations on which they are based.

Part 2 is a partial account of Dr. Fabrikant's association with Concordia University. That account is intentionally incomplete. Another detailed history of every contractual wrangle and every nasty phone call would neither be helpful nor particularly gripping, and it has not been my intention to produce one. Rather, I have chosen to hang on a skeletal framework only those events whose examination has seemed to me to yield useful insights or led me to make specific recommendations. Thus the truncated tale in Part 2 is the setting for the recommendations to follow.

Part 3 is composed of recommendations, in each case followed by a short explanation relating the recommendation to the relevant portion of Part 1 or Part 2.

The main body of the report is followed by a short conclusion and the appendices.

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PART 1: OVERVIEW
AND CONTEXT

VALERY FABRIKANT SPENT ALMOST 13 YEARS AT CONCORDIA University. During that time he made many people unhappy, including, it would appear, himself. Viewed from a distance, the University handled him in very much the same way most Canadian universities are inclined to handle faculty who exhibit disruptive behavior patterns, which is to say that they treated him far too benignly on the behavioral issues, and somewhat too harshly on the academic issues. There are good reasons why this normally happens.

First, one must understand that the majority of academics who become academic administrators do not like administration itself, do not think of themselves as administrators, have no training for their administrative roles other than popular television shows and modest on-the-job exposure, and are accustomed to work in a milieu where the exercise of authority is considered in bad taste. Indeed, most expect to return to the ranks of working faculty after a brief sojourn in administration, and all are steeped in the important university traditions of academic freedom, pluralism, tolerance of eccentricity and reliance on self-direction for setting tasks. Giving an order, even a reasonable one, is anathema to many.

When faced with the challenge of a "bad" colleague whose behavior is disruptive, threatening or merely unethical, they do not in general know what their powers are, and are massively risk-averse when it comes to exercising those powers, even when they are aware of them. (This aversion to risk has in recent years caused most internal ethics panels to adopt a criminal rather than civil burden of proof, when in fact only employment is at stake, making discipline for ethical violations as rare as hens' teeth).

Like all untrained administrators everywhere, they look for a cookbook, and the only one always readily available is the arcane, complex rulebook which exists in all of our universities for the exhaustive peer review and evaluation of qualitative aspects of academic performance. This is contained in a faculty handbook, a collective agreement, or, in some cases, both. There is a failure to recognize that there are general administrative powers on which a collective agreement is silent, and which flow from the right and obligation to operate the enterprise properly.

IN RESPONDING TO THE COWAN REPORT, IT IS IMPORTANT TO UNDERSTAND that I believe that its greatest failing is not what it says, but what it fails to say.

After the shootings, members of the University who had been in contact with the Fabrikant dossier in one fashion or another were not given an opportunity to talk about, evaluate or question the decisions that had been made concerning his employment at Concordia. The families of those who had died could only stand in amazement and wonder throughout his trial, as bizarre rumour after rumour made it more difficult to understand how this man's behavior had been tolerated for so long. The Cowan report was expected to be the forum in which the right questions would be asked and at least some answers would be given. Dr. Cowan comments on how many members of the University agreed to be fully candid with him. It is unfortunate that their trust has not been honoured.

There are a number of points of which I had personal knowledge and which I shared with Dr. Cowan but which are reflected nowhere in this report:

a) the meeting at the MAAA (page 21, paragraph 1):

The report is completely off the mark. While the members of the Departmental Personnel Committee (the DPC) and Dean Swamy spent the first two hours of the meeting explaining that Dr. Fabrikant was not particularly difficult to work with, the DPC members spent the next two hours telling us of incident after incident of behavior which made their lives miserable. This behavior was only displayed supposedly when his contract was up for renewal, and as long as he was dealt with firmly, he would stop. Dr. Sheinin had asked me to be present as Code Administrator to explain to them that the University had an internal system to deal with threatening behavior, and that if the behavior complained of was criminal, the University would support them in bringing their complaints to the police. This had been done in a number of other cases.

Dr. Cowan, later in his report (page 24, paragraph 2), suggests that it was only a year later that the DPC members would become aware of some of Fabrikant's bad behavior, which gave them a valid reason to fear him.

During the meeting at the MAAA in 1990, the members of the DPC spoke about the same incidents that they would later complain of in October 1991 and in July 1992 at the Code of Conduct hearings.

At the MAAA, Dr. Sheinin canceled a flight she was scheduled to take, extended the meeting, and *begged* the DPC to take into account his behavior when making their recommendation concerning Fabrikant's continued employment. Dr. Osman told her that it would be inappropriate to consider Fabrikant's behavior, and that if she did not approve the hiring, as she was required to do by the Collective Agreement, he would personally grieve her decision.

The *very same* behavior which led the DPC to demand at a meeting on Nov. 1, 1991 that the University administration use emergency procedures to fire Fabrikant and to keep him off University property, and which they categorized in 1992 at the Code of Conduct hearing as "harassment, threats, [and] blackmail...", they refused to consider in 1990 as being anything more than, at times, bothersome.

b) the University Intervention Team (UIT) recommendation, Nov. 1991:

At the request of Mr. Grendon Haines, the UIT met with the members of the DPC, Dean Swamy, Ms. Elizabeth Horwood and Dr. MacKenzie on November 1, 1991. When asked why they believed Fabrikant should be fired using emergency procedures, the members of the DPC replied that Fabrikant was taking up too much of their time since it had already taken up to thirty hours for them to decide to try to fire him. Although offered whatever support would be necessary, they refused to provide a single example of threatening behavior.

Over the next three or four weeks, the members of the UIT met again with the DPC, other staff members of the department, Dean Swamy, the Director of Security, Dr. Fabrikant, and the Executive Assistant to the Rector. At the end of that period, the UIT made a number of specific recommendations to the Rector's Executive Assistant:

We recommended that the Department of Mechanical Engineering be put under trusteeship. That recommendation was dismissed out of hand, inasmuch as Dean Swamy was unlikely to support it.

We suggested that this problem had far too many tentacles, involving allegations on both sides that needed to be investigated. The problem was too large and difficult for anyone already doing a full-time job to co-ordinate; and, therefore, we recommended that someone should be appointed, if necessary from outside the University, to fully investigate the rumours of Fabrikant's threatening behavior and his allegation of wrongdoing against members of his department.

Instead, Ms. Habib decided that she herself would attempt to elicit further information concerning Fabrikant's behavior from Dean Swamy and Dr. Osman.

c) Faculty discipline, a code of ethics:

Throughout my time at Concordia University, the only person in senior administration to support my requests to deal with questions touching on the discipline of faculty members, or for an academic Code of Conduct which would apply to faculty and deal with issues of academic fraud, was Dr. Rose Sheinin.

I approached her with a request to form a committee of faculty members to study the issue of discipline. She agreed that it was important, but explained that because of the collective decision-making process in place, she would have to raise the question with her peers at a meeting of the Office of the Rector. She asked me to attend the meeting and to explain the request. I did so. The group refused to allow faculty to discuss an issue which they considered to be "a management right." They did, however, agree to establish a committee that would deal with a very small part of the request. The committee was never established, despite numerous requests on my part over a period of two years to the Rector's Office.

When I approached Dr. Sheinin with a request for action on an academic code of conduct or code of ethics for faculty, she replied that she had already been considering it because of a request made by one of the granting agencies for universities to establish such codes. She asked me to attend a meeting of the University Senate committee which she thought most appropriate to deal with writing the code. I attended a number of meetings. The committee agreed to the contents of the code and the nature of the procedures that it should include.

At that point Dr. Sheinin was taken to task for having used my services, even though my job description included responsibility for the academic codes, and I was told that the Assistant Legal Counsel would complete the work. I passed my minutes, working notes and copies of codes from other universities to Me Freedman, and the project went into limbo.

d) Fabrikant's personnel file and Dr. Sheinin:

I am well aware that Dr. Sheinin was not told about the behavior that had occurred before her arrival at Concordia. I am also aware that his personnel file showed, when she arrived, that any time Dr. Fabrikant had complained in the past, he had been given what he demanded.

In my personal experience of dealing with Dr. Fabrikant for more than two years, and the related problems caused by his behavior, Dr. Sheinin was the only Concordia administrator who attempted to try to stop him from abusing others at the University. She was the only one who wrote to him to tell him that his behavior was unacceptable. She was the only one to meet with his immediate supervisors to offer them support in dealing with Fabrikant.

For her to then be blamed for not doing enough is the height of injustice.

**SUZANNE BELSON
OMBUDSPERSON**

THERE IS MUCH THAT COULD ALSO BE SAID ABOUT DR. COWAN'S comments concerning the University Intervention Team, but as these issues have already been addressed to some extent by John Relton, I will simply say now that I support his response in these matters. **Errors of fact:** Despite the fact that I had two meetings with Dr. Cowan, there are a number of inexcusable factual errors in his report which is perhaps not surprising, given he made very few notes. The relevant remarks are on pages 14/15:

1. Dr. Cowan says I did *no* preliminary investigation of the student's 1982 complaint. That is not true. However, even if it had been, the complainant, after much thought and discussion, decided that she was not prepared to have any action taken and subsequently never deviated from that position. In such cases, the Ombudsperson is powerless

Administrators who rely upon the available local cookbook as a surrogate for exercising management authority evoke "academic" recommendations and decisions which reflect the unhappiness of the peer group about non-academic matters. In this way, slightly unfavourable academic decisions become a surrogate for distasteful and risky disciplinary measures which would require the exercise of individual authority and the prospect of individual blame.

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Thus, at Concordia, it would appear that Valery Fabrikant's behavior, which ranged from unpleasant to intolerable depending upon the circumstances and the year, had a negative impact upon a number of academic judgments. Delayed and refused promotion, a slight delay and extra conditions upon his first probationary contract, a disinclination to take into account a portion of his service as a faculty member for sabbatical and tenure purposes, and finally, a rather problematic choice of teaching assignment for 1992-93 all appear to be connected in part to the difficulties in dealing with him. Furthermore, it seems likely that his outrageous behavior was also a factor in the failure of the University on two occasions to fully investigate his claims about ethical lapses in the research setting, a matter now dealt with by Arthurs et al.

On the other hand the warnings and strictures placed upon him which directly related to his behavior, (when they existed at all), were too mild, too vague or (finally) too slow and ponderous.

The reasons for this dichotomy are not solely the failure to offer and in some cases require a modest amount of training for academic administrators in the area of administration, though indeed, that is a profound need and a partial preventative for like situations. There are other powerful forces in the culture of the University which make it difficult to respond to disruptive, harassing or threatening behavior by a professor. Prominent amongst these is the recent and disturbing mutation of what academic freedom means to some within the university community in Canada.

The famous Crowe and Underhill cases in Canada notwithstanding, concepts of academic freedom in Canada owe much to the watershed joint AAUP/AAC declaration of 1940 in the United States. The four pillars of academic freedom set out therein are: (a) the right to teach without adherence to any prescribed doctrine (provided that one dealt with the subject matter in the senate-approved course outline); (b) the right to research without reference to prescribed doctrine; (c) the right to publish the results of one's research, and; (d) the right to speak extramurally, which includes the right to criticize the government of the day or the administration of one's institution.

It is some little while since there was much trade in academic freedom cases in Canada which were firmly rooted in discrimination based upon ideology. They petered out about two decades ago, and the end of the Cold War makes it unlikely that they will become a growth industry. Indeed, iconoclastic thought and comment is now so revered in Canadian intellectual circles that it is hard to imagine the articulation of a political point of view which the governors of an institution would see as a threat.

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Consequently, the boundaries of academic freedom and the challenges to it have moved to a more personal level. Academic freedom issues continue to converge with ordinary anti-discrimination issues, to the point now where they are often indistinguishable. Given the tradition of toleration of personal eccentricity in the universities ("If you can't have eccentrics in the universities, then where can you have them?") it is not surprising to hear faculty fall back on academic freedom to defend practices which have little connection to academic issues. This has all occurred at a time when our broader society is experiencing a great emphasis on individual rights and liberties, at the possible expense of some older notions of collective rights and liberties.

Nonetheless, one extension of the concept I have yet to come to terms with is the "academic freedom" to be brutish and miserable to colleagues and students, so that little work is assigned, and so that students consult one infrequently. When academic freedom is extended without caveat from the content of discourse to the conduct of that discourse, it opens up the prospect of a range of "protected" behaviors which interfere mightily with the well-being of others, as well

as their ability to carry out their own work. Simply put, there is no academic freedom to harass. There is no academic freedom to be disruptive. There is no academic freedom to scare others off of assigning work to one. There is no academic freedom to intimidate, there is no academic freedom to interfere with the academic freedom of others and there is no academic freedom not to work. Yet the confluence of extended notions of academic freedom, great respect for individual liberties and the rising tide of litigiousness has tended to restrain institutions from dealing expeditiously with problem cases.

This difficulty is exacerbated by another feature of university culture. Universities, along with hospitals and the military, are perhaps the last institutions in Canadian society to have true formal class structures. In the military, there are officers and there are other ranks. In the hospitals, there are physicians and all others. The university equivalent is professors and all others. While there is recent evidence of some increasing sensitivity, behavior by professors which would never have been tolerated if it had been directed towards colleagues has been tolerated when directed towards students and particularly towards support staff. This means that behavioral problems must cross a rather high threshold to trigger any real institutional awareness. In the case of Valery Fabrikant, some behavior during his first nine years at Concordia were quite extreme, but escaped more than passing notice because they were not yet directed towards his faculty colleagues. It is regrettable but true that in most institutions the answer to the question, "How much harassment is allowed?" must begin with the question, "Who is being harassed, and by whom?"

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The senior officers of Concordia University were further hampered in their abilities to react in a more direct fashion to the behavior of Dr. Fabrikant and to his complaints because they existed and still exist in a system that doesn't provide them with adequate management information in at least three different ways.

First, Arthurs et al have reviewed the difficulties faced by the University in applying controls and extracting management information from the administration of trust funds, a fact which made the task of that inquiry vastly more difficult. Likewise, that situation would have made a timely internal examination of Dr. Fabrikant's complaints difficult, which may bear on the superficiality of the first two University efforts to do so.

Secondly, there was an absolute failure to have an institutional memory. This problem, which is quite common in the university setting, was exacerbated at Concordia due to infelicitous happenstance. The longest serving senior officer of the institution, the Rector, had arrived in 1984. While concrete evidence is slim, I have the distinct impression that he was not accorded any reasonable degree of co-operation from the officers of the administration he succeeded, and therefore any advice to him on problem areas or people, or any indication of files on which he should have had a watching brief was absent. There were some records relating to Dr. Fabrikant's behavior, none of which came to light until after August 24, 1992. The Vice-Rectors all date from 1986 or later, with the Vice-Rector Academic dating from September 1989. In each instance, the senior officer concerned felt as if it was starting from scratch, though in the case of the Vice-Rector Academic, who came from another university, she was so discomfited by some of the bickering which she felt was related to lingering differences between Loyola and Sir George Williams factions that she became resistant to discussion of past history in any event. However, it is not clear that even the best information retrieval system guarantees continuity of the institutional memory, and some universities cultivate a reliable person at a senior level to act as both a senior officer and a living institutional memory. There is no easy answer here.

Thirdly, universities are vastly more decentralized than other enterprises when it comes to management of professional employees, and Concordia is not an exception. There is no central clearing-house for important information. Even after the beginning of November 1991, when many people in diverse units were concerned about and alarmed by Dr. Fabrikant's behavior, there was no real consolidation of the file. In fact, existing decisional structures at Concordia militate against co-ordination and virtually guarantee that the right hand shall not know what the left is doing. These structural difficulties also contribute to the failure of administrative courage.

aware, this unheralded group was exceptionally helpful. If "spotty record" is intended to imply that the UIT was not successful in the Fabrikant file, then an extremely careful examination of the full facts should have been undertaken. Clearly it was not. In addition to detailing the circumstances of the meetings of November 1 and 20 (?), 1991, such an analysis would have had to include, based on my knowledge, the role of various members of the UIT in advising Dr. Swamy on the strategy to be used in transmitting the DPC's negative recommendation to Dr. Fabrikant, and in instructing staff in the Faculty of Engineering and Computer Science as to what procedures to follow in the event of an emergency.

In regard to other events in, or consequences of, November 1991, I would like to point out that Dr. Cowan and I did not discuss my actions at Senate on the afternoon of November 1, since he indicated he had already read or heard enough about them. As a result, the report is flawed in its account of several details, just as later it is inaccurate concerning the results of the Code of Conduct Hearings, another subject which we did not discuss. I am not aware of all the factors which delayed the hearing of Dr. Fabrikant's complaint for several months (November 3, 1991 to June 2, 1992), but if they have not already been considered in relation to Dr. Cowan's mandate, I believe they should be.

On the subject of the June 23, 1992 recommendation that Dr. Fabrikant be suspended, there is also much to be documented, including the list of attendees at the meeting which gave rise to the recommendation, and the subjects (communication with the Sûreté du Québec, the possibility of negotiating a separation package with Dr. Fabrikant, suspension without pay pending psychiatric evaluation, etc.). I will confine myself, however, to one critical issue. Dr. Bertrand was not away for ten days following the submission of the recommendation he and Dr. Sheinin had co-signed, but was back in the office sometime the following week, thereby being able to have a meeting, part of which I attended, with the Executive Assistant to the Rector on June 30, 1992. The subject for the portion of the meeting I attended was a draft of a letter to be sent to the Sûreté du Québec. Not having seen any drafts for close to two years, nor having ever seen the letter which was actually sent to the Sûreté, I had difficulties responding to Dr. Cowan's questions on this matter, but as I informed him, I do recall Dr. Bertrand and I arguing for the inclusion of some material that had been deleted. If this matter is considered to be of any importance, I would suggest that the other two participants be queried as to the substance of the discussion.

Like so many others in this University, I have long awaited an analysis of all aspects of the Fabrikant file. I especially needed to understand what could have been done and what should have been done regarding the University's response to such an individual. I had hoped that the Cowan report would offer, based on a clear and complete analysis of the facts, the means to construct systems and approaches which could better prepare us to address, to defuse, such complex situations in the future, especially those in which disruptive individuals shield themselves behind allegations, whether justified or not, against others. As submitted, Dr. Cowan's text does not accomplish this service: it is "spotty," it selects both its concrete data and its hearsay and it eschews careful consideration of many of the policies and practices which shaped the University's response to Dr. Fabrikant. In its present form, it overemphasizes, in my view, two elements in a thirteen-year saga: an alleged rape and a letter which may never have been received by Dr. Fabrikant. I know my own anxieties about coming forth to restate my own knowledge of one of those elements and, as a result, find it absolutely intolerable to think that someone else needs to come forward in similar circumstances to indicate that he or she was responsible for commissioning the August 21, 1992 letter. Presumably, a simple phone call to Me Beaulieu prior to the writing of the report could have saved a number of people an enormous amount of grief. That this may not have been done speaks volumes.

(1) ON PAGE 13, THE COWAN REPORT STATES, "IN DECEMBER 1990 . . . the same type of form was again used, and in the box setting out the need for three letters of reference is the notation, 'on file.' It would appear that this is false."

Response: More than 10 reference letters were on file prior to

December 1990, as shown in the Cowan report on page 19, which it states: "In spring of 1990 Dr. Fabrikant . . . despite good external reviews . . ."

(2) On page 24, the Cowan report states, "Dr. Osman tried to prevent Dr. Fabrikant from leaving until Security arrived. . . This action by Osman was held by a Code of Conduct panel decision in July 1992 to be inappropriate, and a small fine was levied upon the DPC members, though the murders occurred before it could be collected."

Response: An appeal was launched by the DPC members in this respect. The small fine was not collected because the Board of Governors rendered a ruling to suspend the case indefinitely, in effect quashing the complaint.

(3) On p. 28, the Cowan report states "Dr. Osman had also determined that he would get Dr. Fabrikant to teach two design courses among his four-course load for the next year. . . It is well understood that Dr. Osman wished Dr. Fabrikant to demonstrate a greater topic breadth in teaching before being considered for tenure . . . A number of engineers have indicated to me that there were better (and fairer) choices of courses which could have been used to demonstrate adequate breadth."

Response: Partial response to this can already be derived from the Cowan report on p. 25, as it states, "Dr. Fabrikant countered with a submission to the FPC about his teaching. In it, he outlined both what he had taught and what he could teach, which was **indeed rather broader than what he had been assigned.**" Indeed, Dr. Fabrikant had always made the claim that he can teach **any** course in Mechanical Engineering program. In his list of preferred courses submitted to CUFA joint grievance committee, he indicated that he can teach Mech 412: Computer-Aided Mechanical Design which has the prerequisite of the course assigned to him, namely Mech 411: Design & Analysis of Mechanical Components. So how can Dr. Fabrikant claim he is competent to teach Mech 412 and incompetent to teach Mech 411 which is a prerequisite to the former. In the same submission, Dr. Fabrikant also stated that he can teach a graduate design course. So how can Dr. Fabrikant claim he is competent to teach an advanced graduate course in Design but not competent to teach less advanced undergraduate design courses. Furthermore, one of the reasons that these particular two undergraduate courses has been assigned to him is that in his contract renewal four conditions were made (see page 25 of Cowan's report), one of these conditions required Dr. Fabrikant to teach senior undergraduate courses of the 400-level. These two design courses (Mech 411 and Mech 441) assigned to him was the most logical choice available at that time, since the professor who teaches these two courses was going on sabbatical leave that year. Moreover, Dr. Fabrikant initially failed to fill the special form given to all professors at that time to indicate course-load preference. He returned this form blank with the note that he will be on sabbatical leave. I wrote back to him, indicating that he should indicate his course preference since his sabbatical leave was not yet officially approved, but he did not respond. Dr. Fabrikant's sabbatical leave was ultimately denied, and by that time, all courses have already been officially assigned as per CUFA collective agreement and communicated to all professors in the department, including Dr. Fabrikant's teaching load.

(4) On page 32, the Cowan report states, "On the other hand, both chairs of Mechanical Engineering were unhelpful in terms of their narrow view of elements to be considered in making fundamental employment decisions, and in obscuring from the gaze of more senior officers just what the situation was."

Response: Being one of the two chairs mentioned in this quote, I respectfully disagree with this statement. As the Cowan report itself shows, every decision made with regard to Dr. Fabrikant's employment was thoroughly discussed within the DPC and within the Department, as well as administrative and/or legal advice was always sought from the University. As the records also show, the senior officers of the University were fully informed. All correspondence with Dr. Fabrikant was copied to senior officers of the University, including meetings with the University Intervention Team that reports directly to the senior administration.

While they will be dealt with elsewhere in the report as well, the two principal difficulties with the administrative structure are that it is too tall and too compartmentalized.

By "too tall," I mean that the layer below Vice-Rector is too extensive and carries substantial line authority. Even the Assistants (or in the case of the Rector, his Executive Assistant) seem to have considerable *de facto* powers. There are in this third layer of the organization six or seven Associate Vice-Rectors, and four "Assistants to," without counting special cases like the office of the Secretary General. It is only below this third level that one reaches directors of specific services.

By "too compartmentalized," I refer to the absence of a collective approach to decision-making even for the most significant matters. It would appear that each senior officer decides in isolation about questions which arise from the line units which report ultimately to them. This results in great uncertainty for each senior officer about whether the others will support even a mildly controversial decision. A notable example of this is found in the provisions of the collective agreement with CUFA which provide for the Vice-Rector Academic to make the final decision on appointment to a probationary position, reappointment, and promotion to all ranks except full professor. In most institutions, some or all of these would be collective decisions in which the Vice-Rector Academic or equivalent would play a prominent but not solo role.

It is important to understand that even if all of my concerns had been addressed by the University years ago, there is no certainty that the handling of Dr. Fabrikant would have gone entirely smoothly. I have not met Dr. Fabrikant, nor is it my intention or expectation to do so. My readings of the documentary trail of his obsessive application of his keen intelligence to his wars with his employer suggest to me that he would still have led a stronger or more co-ordinated administration on a rather wild chase. Some of his letters, powerful in both logic and sarcasm, would shake the resolve of the most independent-minded administrator. Given that English is not his first language, I cannot recall in my entire career a comparable ability to fawn and insult in the same letter. What is missing is any indication that Dr. Fabrikant ever feels or expresses any compassion about, concern for or even interest in the well-being (or existence, for that matter) of any other adult human being.

This is the disconnectedness which deeply alarmed some, who certainly sensed at a visceral level that they were dealing with a person without limits on behavior, while others with more conventional antennae passed him off as merely another insensitive, self-centered ivory-tower researcher, of which there are always a few in any large group of scholars.

The collegial culture of any Canadian university makes it difficult to halt the march towards some sort of disaster by individuals with such profound lacunae in their personalities. The customary process of discrete cautions and carefully graded responses does not fit the type; this accords with the advice which Concordia had received from psychiatric consultants, but not fully appreciated. On various occasions the institution and its officers tried to "draw the line" with Valery Fabrikant about his behavior. At first they did so informally in the department. Then they did so at the institutional level, with all the elegant circumspection befitting the academic milieu, including cross-referencing guidelines of other entities. Finally, on August 21, 1992, they did so ponderously and indirectly, through outside legal counsel.

At no time after 1989 (when concern had begun to mount) did any senior officer of the institution confront Dr. Fabrikant in the personal and almost brutal drawing of the line which occasionally works with persons whose disorders are those attributed by the University's consultants to Dr. Fabrikant. Nor, without particular training and practical experience, would I have expected them to feel able to do so. Nonetheless, there have been numerous instances in Canadian universities, of a senior officer calling in a faculty member and saying (more or less), "Dear Professor x, in the conversation which follows, I want you to understand that for all practical purposes, I am your employer. I do not like what you are doing. I will now give you chapter and verse about what I do not like. ... (does exactly that)... I am now instructing you, as your employer, never to do any similar thing again, or I will fire

you. This is a legal instruction. I will confirm it in writing. If you ever have any doubt about whether you are about to do something which may breach this legal instruction, call me and ask me, bearing in mind that the content, conduct and context of that call might also breach this instruction. Now get out." Even that sort of sudden burst of reality has had only modest but measurable success in like cases, and the probability that the University would have still faced a suspension and dismissal decision would have remained quite high.

One of the great ironies of the matter is that Dr. Fabrikant's immediate superior during his first seven years at Concordia handled him exactly in that peremptory and forceful way, with not inconsiderable success. Dr. T.S. Sankar, whose research grants paid Dr. Fabrikant's salary until 1985, and who was Chair of the Department during Dr. Fabrikant's first seven years there, was disinclined to take nonsense from anyone. With an autocratic management style and a deep and abiding conviction that everyone needs to be precisely instructed, Dr. Sankar did not apply this technique to Valery Fabrikant because of a profound realization that it fitted Dr. Fabrikant's personality. He merely did it because it came naturally to him.

Whenever he responded in this obdurate and "non-academic" way to Dr. Fabrikant's excesses of behavior, Dr. Fabrikant would concede and apologize. Neither Dr. M.O.M. Osman, the subsequent chair, nor Dr. S. Sankar, the Director of the CONCAVE Research Centre, had the same impact in drawing the line with Dr. Fabrikant. However, it is problematic to ascribe it uniquely to their less overpowering styles, since their stewardships occurred in the years after 1987 and 1985 respectively, when the evolution of Dr. Fabrikant's lexicon of grievances against the University (real and imagined), and the increasing tension in his soul had escalated matters beyond solution at the departmental level.

In the end, the senior officers of the institution, each of whom is well-intentioned, skilled in specific areas and imbued with a sense of public service, were individually and collectively incapable of fully addressing any of: (1) Dr. Fabrikant's complaints, (2) the confusion of disruptive behavior with academic issues, (3) wrong interpretations of the collective agreement, and finally (4) the threat which Dr. Fabrikant's behavior posed to the institution. The story of just how this came to pass has now been told many times, each quite imperfectly, due variously to journalistic excess, understandable internal partisanship or a dearth of facts.

The version of this story which follows in Part 2 is also imperfect in two significant respects. First, it is unavoidably tainted by hindsight and by my personal biases about how a university should be run. Secondly, it is incomplete, and this latter blemish is intentional. In telling elements of the story, I have avoided more than passing and contextual mention of those matters dealt with by the inquiry of Arthurs et al. I have also decided to concentrate only on those portions of the story which give rise to recommendations in Part 3 of this report. I therefore apologize in advance to those who were anticipating a faithful and scholarly précis of the 900 documents and nearly 30 interviews.

PAGE 12 PART 2: FABRIKANT AT CONCORDIA

ON DECEMBER 18, 1979, DR. VALERY FABRIKANT, A RUSSIAN emigré travelling on Italian travel documents, and holding a U.S. green card, appeared at the office of Dr. T.S. Sankar, the Chair of the Department of Mechanical Engineering at Concordia University. He wanted to see Dr. Sankar about a job, but the acting secretary to the chairman explained that Dr. Sankar never saw job-seekers unless they had provided him in advance with a cv and subsequently made an appointment. Dr. Fabrikant tried to talk his way in but was not successful, so he left his cv. The next day he returned, and even without an appointment was persistent enough to get Dr. Sankar to see him. He must have impressed Dr. Sankar, too, as he was hired immediately as Sankar's research assistant, at \$7,000 p.a. Fabrikant started the next day, December 20, 1979, on a work permit. A research assistant is a sort of better educated technician, a position with no autonomy and no academic pretensions.

In letters to others somewhat later, Dr. Sankar concedes that it was not a suitable level or role for someone of Fabrikant's experience and accomplishments, but, wrote Sankar, he wanted to do something to help out this bright emigré who desperately needed work, and the \$7,000 were all the uncommitted resources he had under his control at that moment.

standing that the first appointment . . .”: Again, I had no “substantial information” to convey to Dr. Sheinin about Fabrikant’s history. Furthermore, Dr. Sheinin never sought my advice or support in her dealings with Dr. Fabrikant outside of the two or three times that the case was discussed at the meeting of the Office of the Rector in the presence of at least five (5) people, including Dr. Sheinin.

Page 13, paragraph 4 [*beginning: “In regard to the letter of August 17, 1992 from Me. Beaulieu . . .*”]: I did not “express” a decision that “to interfere with Dr. Fabrikant’s access to the E-mail system would have been tantamount to an infringement of his rights as a member of the University Community.” In fact, the Office of the Rector mandated the Vice-Rector, Services to find out, in consultation with the Director of Computing Services, whether it was possible to deny access to the E-mail system to Fabrikant and, later, the Vice-Rector Services reported back that it should not or could not be done.

Page 13, last paragraph [*beginning: “Dr. Cowan has his own paradigm for the evolution of senior academic administrators . . .*”]: Dr. Sheinin did not always seek the advice of the Office of the Vice-Rector, Institutional Relations and Finance to ensure “ . . . accord with the collective agreement.” In fact, she never sought my advice.

I wish to take this opportunity to reiterate my willingness and firm desire to work with everyone concerned in an open and cohesive way to ensure that Concordia University is able to address the issues confronting it. I sincerely hope that this has not become now an insurmountable task.

Lastly, I reserve all my rights to a full opportunity to provide any other comments which I deem necessary.

**CATHERINE
MACKENZIE
ASSISTANT
PROFESSOR,
ART HISTORY;
FORMER ASSOCIATE
VICE-RECTOR,
ACADEMIC**

THERE ARE ANY NUMBER OF COMMENTS THAT COULD BE MADE about the document entitled “*Lessons from the Fabrikant File,*” all of which would focus on whether or not the document provides a firm base from which Concordia University might learn for the future.

As one who was involved with the file on and off over a three-year period, I have concluded that, on the whole, it does not, but the shortness of time does not permit me to make a point-by-point critique of the Cowan report. I must concentrate on a few of the issues to which I have concrete information to add. Some of this information has already been provided to Dr. Cowan. Some has not, largely because my only meeting with him, which lasted for no more than ninety minutes, did not cover many facets of my involvement in the Fabrikant file, although I was asked to comment on a number of his general theories on university management.

My first topic is the alleged rape of a student by Dr. Fabrikant in 1982, discussed on pages 14 and 15 of the report. As I informed Dr. Cowan, the Ombudsperson had made me aware of that complaint sometime in the spring of 1989, although this officer certainly did not inform me that the student had come forward and nor did Dr. Cowan mention this information to me. In 1989, I was given no name, nor did I ask for one. It was not made known to me that tapes had been made and retained. I was given certain details of the case, none of which I am prepared to discuss in public, which led me to conclude that the matter should not, indeed could not be pursued. What concerns me here is that Dr. Cowan did not record my knowledge of the matter, and instead directed his chastisement towards the Ombudsperson and, shortly thereafter, to the Assistant to the Vice-Rector, Academic. I don’t know why he elected to do this, but the situation must be clarified and any questioning of the University’s handling of this matter must include my role. I am similarly disturbed by other *lacunae* in the report’s account of my dealings with Dr. Fabrikant in 1989. To give one example, as I informed Dr. Cowan, it indeed was I who ordered surveillance on Dr. Kenniff’s home for three or four days in 1989, as well as on the homes of Dr. Fabrikant and, I believe, Dr. Swamy, for longer periods of time. I have no idea why the text on page 24 reads “Dr. MacKenzie had been very much aware of Dr. Fabrikant’s threats for years, and during the 1989 period of trouble when she was Executive Assistant to the Rector, it was probably she who had decided that security protection for the Rector was needed.” Dr. Cowan knows that I had neither heard of nor met Dr. Fabrikant prior to January 1989, and he also knows exactly who ordered the security measures to which he refers. I do recall informing Dr. Kenniff, a fact which I also mentioned to Dr. Cowan.

My recollections of many other aspects of a two-month period in 1989 are hazy. I do not remember being told of clear threats to individuals, but that may be because time has transformed second-hand information into indirect inference, the only tactic to which Dr. Fabrikant ever exposed me. As I told Dr. Cowan, I also have a vague memory of a meeting at which some members of the Department of Mechanical Engineering pressed for Dr. Fabrikant’s dismissal, but without their direct participation. This may be a completely distorted memory, but as I told Dr. Cowan, it would explain why I later was so surprised at the results of Dr. Sheinin’s 1990 encounter, on October 31, with members of the Department of Mechanical Engineering.

There is one last major item which should be added to the report’s account of events in the winter of 1989. Following an informal consultation with Dr. Steiner (during which, to the best of my recollection, neither Mr. Haines nor I mentioned Dr. Fabrikant’s name), it was decided to take a firmer hand with Dr. Fabrikant. As a result, a meeting was arranged for April 6, 1989, at which time a letter co-signed by Dr. Swamy and myself was to be given to him, indicating that the matter of his promotion to Full Research Professor was closed, and the two of us, along with Mr. Haines, were to address the issue of his behavior. The day before this meeting, Dr. Fabrikant indicated he would not attend if he was not provided with information pertaining to a number of his colleagues. This request was refused and the meeting was canceled. Dr. Fabrikant was told he could come in to pick up the aforementioned letter, but did not elect to do so.

Moving ahead to the Cowan report’s account of what transpired in late 1991, there are any number of corrections and additions which I could make. There is no reference to the fact that early in the week commencing October 28, 1991, I was contacted by Mr. Grendon Haines who, acting on behalf of some members of the Department of Mechanical Engineering, indicated that they were very nervous about what Dr. Fabrikant’s reaction might be to any negative decision on his contract renewal and proposed that extra security precautions be taken. There is no mention of the subsequent deployment of two external security agents in the Hall Building and at Concave, the latter of whom remained in place upon Dr. Swamy’s recommendation and with the permission of the Rector’s Office until the end of the school term in December 1991. Most importantly, there is no reference that I have been able to locate in the Report to a meeting on November 1, 1991 at which were in attendance members of the University Intervention Team (UIT), members of the Departmental Personnel Committee (DPC) of the Department of Mechanical Engineering, Mrs. Elizabeth Horwood, Mr. Grendon Haines, Dean M.N.S. Swamy and myself. Dr. Cowan and I discussed this meeting, which I believe to have opened an important chapter in the Fabrikant file. The portions of this meeting in which I participated were extremely significant; some members of the Department initially denied being afraid of Dr. Fabrikant, but later expressed grave concern, although they were unable to provide much beyond unsubstantiated rumours to explain their concern. Further and more precise details are best recounted by others, given that Dean Swamy and I left prior to its conclusion in order to attend University Senate.

It was due to the substance of this November 1 meeting that members of the UIT and Mr. Grendon Haines began to resume their involvement in the Fabrikant file, and to perform what I view to have been a valuable series of services in the on-going attempts to manage a deteriorating situation. Not the least of the UIT’s actions was its recommendation to the Rector’s Office, which emerged at a meeting I also attended in November 1991, that someone, internal or external to the University, be charged with collecting all known information about Dr. Fabrikant and investigating all facets of the situation. It was also proposed that this person might be located in the Department of Mechanical Engineering itself, as a trustee or as an assistant to the Chair of the unit in question.

The report’s only reference to this recommendation is a passing one on page 24, and it does not indicate to what office the proposal was made. Furthermore, because of the manner in which Dr. Cowan has constructed his first paragraph on page 26, the significance of this November recommendation is either overlooked or avoided. In light of Dr. Cowan’s later comments on the UIT (see page 36), this is unfortunate in the extreme: in many situations in the University of which I am

Six months later, on June 1, 1980, Dr. Sankar raised Dr. Fabrikant's salary to \$12,000 p.a. and, on August 1, 1980, got his title changed to Research Associate. A research associate is still under direct supervision, and is a sort of very high class technical or professional assistant who is expected to hold one or more graduate degrees. It is not a faculty position and it is not normally autonomous.

Still feeling that he couldn't pay Fabrikant what he deserved, Sankar got him an add-on part-time teaching contract to give a basic probability and statistics course in January 1981, for a further \$2080. On June 1, 1981, 18 months after Fabrikant's arrival, he raised Fabrikant's pay to \$16,000 p.a. and lined up another iteration of the same part-time teaching task for Fabrikant for the coming winter, for the same supplement of \$2080 again. Thus, even though Fabrikant was still classed as a high-level technician, his annual income had risen from \$7,000 to \$18,080 in 18 months.

On May 27, 1982, Sankar took the substantial step of recommending to Dean Swamy that as of June 1, 1982, 30 months after his arrival, he would be moved from his support staff position of Research Associate to the most junior soft-funded faculty position, that of Research Assistant Professor, at \$23,250 p.a. Fabrikant accepted this new position on June 3, 1982.

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In some ways it was not such a big change. His salary was still soft-funded, and indeed was still being paid by T.S. Sankar's grants. But it reflected Tom Sankar's recognition that in fact Dr. Fabrikant was pursuing his applied mathematical research without significant direct supervision, and that evidently, his teaching at the basic level in probability and statistics had been reasonably well received, since Sankar also lined up another iteration of it for September 1982. In a way, Fabrikant's autonomy in research was a godsend, since interaction with him was fraught with sharp edges even then.

On the form converting Fabrikant's status to one of faculty rank is a space for noting the receipt of letters of reference. Apparently three references are required. In this instance, there were none, and the form carries the notation, "Research appointment — currently Research Associate in the department," creating the impression that this requirement for references is waived for research faculty. I have been unable to identify any policy or guidelines to that effect.

Years later, in December 1990, when Dr. Fabrikant's research faculty appointment was transformed into a tenure-stream (probationary) hard-funded appointment, the same type of form was again used, and in the box setting out the need for three letters of reference is the notation, "On file." It would appear that this is false.

This is not to say that seeking such references would somehow have turned up information which would have dramatically changed any cascade of decisions about Dr. Fabrikant. I am merely noting that it was not done, and the subsequent excuse that it was not done in 1982, or 1985 (when he joined the Actions Structurantes program) or in 1990 (when he became tenure-stream) because of the Cold War is not fully credible for any of those dates and frankly laughable for the last date. Two points are clear here: (1) the series of shifts from technician to junior research faculty to research faculty under the Actions Structurantes program, and lastly to regular faculty bypassed both normal university notions of competition and any reasonable seeking of references. Furthermore, (2) programs like the Actions Structurantes may well not be in a desirable form because of the extent to which they do subvert normal free competition.

That being said, the practice at most Canadian universities of checking degrees, key elements in cv's and references for new faculty is highly deficient. A secretary's references are more carefully vetted. This stems from the naive confidence of researchers that if they hear one research talk by someone and read that person's cv, they know all they need to know about the individual. In the current environment, from any perspective (liability, equity, good use of scarce resources) such cavalier hiring practices have no place.

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In 1982, another event occurred which did not come to light until much later. In that year a female student complained to the University Ombudsperson that she had been raped by Fabrikant. The Ombudsperson believed the complainant (or such is my impression) and was so moved by the details of the story that she kept the tape of that

conversation for many years, the only case in her long experience where she did so. The complainant, however, was in considerable psychological difficulty, and did not wish to pursue the complaint at that time. The Ombudsperson felt bound by the constraints of confidentiality, and took the matter no further.

The role of an ombudsperson is difficult. One's first duty is to those who come with concerns, and who hope for redress or justice. Independence from the institution must be established and maintained. And yet, there is also a responsibility to the institution as well, a responsibility for the future well-being of the institution and its members. How can these be balanced? Could the Ombudsperson have done anything which respected the confidence but shored up the future? There are some things which could have been attempted, but the most passive might have been to follow up the police report, because the complainant had indicated that the police had taken her to hospital, partly because of a dislocated shoulder. Something akin to the preliminary study of a matter by a Sexual Harassment Officer could have been done. It was not. The complainant repeated the contact with the Ombudsperson again in 1989, but again in the end elected not to advance the matter further. In the first week of April 1992, the complainant phoned the Assistant to the Vice-Rector Academic and told her the entire story. She said that newspaper coverage of the wars between Dr. Fabrikant and the University had prompted her to call, mainly just to warn the University about Dr. Fabrikant. She left a phone number and gave the Assistant to the Vice-Rector permission to access the records of the Ombudsperson. The Ombudsperson, however, while not doubting the conversation between the complainant and the official, still indicated that such permission would have to be received directly from the complainant. The Assistant to the Vice-Rector called the complainant and asked her to do so, but the complainant, over the next few days did not phone the Ombudsperson. The Ombudsperson, however, did not phone the complainant to pose the question either. The Assistant to the Vice-Rector did not follow up with checking of police reports or the like, even though the call from the complainant could have been construed as express clearance to do so.

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Given the intensity of the Fabrikant issue in April 1992, it is virtually certain that the Vice-Rector Academic, Dr. Sheinin, was informed of the facts of the complaint. However, some while later, the University Assistant Legal Counsel called the Ombudsperson asking about rumors of a rape accusation. The Ombudsperson received the call with some surprise and asked the lawyer why he did not speak directly with the Assistant to the Vice-Rector, who had the whole story. This, in turn, surprised the Assistant Legal Counsel, so there was symmetry in surprise.

During the trial, the matter of this complaint arose. Dr. Fabrikant's treatment of it evidently made it clear to various observers that he was aware of the probable existence of the complaint.

The complainant died of unrelated causes late in the trial of Dr. Fabrikant, and so never did learn of the verdict.

Somehow, universities must find a balance in their obligations towards the privacy of aggrieved persons, the rights of the alleged perpetrator, and the health of the whole institution. It is a delicate balance, and must vary from case to case. Nonetheless, that balance was not struck in this case.

In the spring of 1983, Dr. Fabrikant was taking a French language course in Continuing Education on a waiver (without fee). It was not unusual at that time, but Dr. T.S. Sankar had arranged it for him because Dr. Fabrikant had complained that the credit courses for which he was automatically eligible to have a waiver of fees were too basic and were held at inconvenient times.

By early May 1983, Dr. Fabrikant was in intense dispute with the part-time teacher giving the course. What had begun as a complaint by Dr. Fabrikant about the instructor smoking, in contravention of a Senate rule, degenerated into vitriolic criticism of the teacher's methods and accent, which Dr. Fabrikant characterized as "joual." His derogatory and abusive attacks were so intense that both the teacher and the other students expressed a desire to Continuing Education to quit the course. Dr. Fabrikant was barred from the course, first by oral instruction from a first-level supervisor, and then by a legal and proper order in a letter from Gwynn Cherrier. He attended class anyhow, and demonstrated to the class and the teacher their utter powerlessness

When Dr. Cowan assumes otherwise, I can only assume that he failed to understand the sole action in which an external counsel was involved with the business of the Office of the Vice-Rector, Academic. The matter in hand was the termination of the employment of Dr. Gerald Trudel, ultimately decided in favour of the University by an arbitrator, Me. Andre Sylvestre. Me. Beaulieu's services were obtained, but of necessity through the Office of the Secretary-General, after authorization by the Rector. These facts may be verified by examination of the pertinent records of the period, which Dr. Cowan seems to have overlooked.

In regard to the letter of August 17, 1992 from Me. Beaulieu to Me. Gamache concerning Dr. Fabrikant's E-mail campaign, I must emphasize that my own involvement with the E-mail matter had taken place much earlier, in the spring. At that time, I sent Dr. Fabrikant a letter of warning in this connection, after consultation with internal legal counsel, who was versed in matters of the collective agreement. Thereafter, I had no involvement whatsoever in this matter, because the decision expressed by Drs. Kenniff, Cohen and others was that to interfere with Dr. Fabrikant's access to the E-mail system would have been tantamount to an infringement of his rights as a member of the University community.

In light of the above, and to provide fairness and justice to all individuals mentioned in this section of the report, it would be important for the Board of Governors to request of Dr. Cowan that he provide us with all information relevant to pages 29-31, with appropriate verification of all parties mentioned therein. Unless this occurs, this section should be erased from the report.

Page 32, paragraph 3

Dr. Cowan has his own paradigm for the evolution of senior academic administrators. It appears to exclude on-the-job training over many years. In addition what is presented in paragraph 2 as my lack of administrative experience is hearsay. I came to Concordia with over 30 years of experience in many levels of administration and labour relations, albeit in a university which, while not unionized, was subject to all constraints of provincial and federal labour law. I wish to remind the Board that, because I was new at Concordia, I always sought the advice of the Office of the Vice-Rector, Institutional Relations and Finance and internal legal counsel to ensure that we would always be in accord with the collective agreement.

Page 32, paragraph 4

Dr. Cowan's comments on my response to offers of management training are false. He could have verified the facts. One would like to know from whom such hearsay came, and why it was accepted by Dr. Cowan without corroboration from the Vice-Rector, Academic.

GENERAL SUMMARY

Because of many serious flaws and errors by commission or omission, some of which are cited above, it is evident that Dr. Cowan knows little about Concordia and its present policies, procedures and guidelines. He gives no evidence of understanding the steps taken by Concordia in the Fabrikant affair. None of his recommendations fulfills his mandate to develop an understanding of how a university tolerated the abusive, aggressive, anti-social and violent behavior of one its academics. Nor does he explain how a university did and should respond to the dilemma posed by Dr. Fabrikant, in an institution whose very essence is rational behavior and guardianship.

Throughout his report, Dr. Cowan eschews the time-honoured practices of a collegial university. This is clear in his admiration for actions taken by Dr. T.S. Sankar in dealing with Dr. Fabrikant. (See page 10, last paragraph). And yet, there is very little analysis of Fabrikant's years in the Department during the tenure of Dr. T.S. Sankar as its chair, during the tenure of Dr. M.O.M. Osman as its chair and throughout the deanship of Dr. M.N.S. Swamy. Much remains to be explored and explained, especially the psychological climate which prevailed. This was part of the mandate given to Dr. Cowan; unfilled, in my opinion and in my experience.

Throughout the report, Dr. Cowan makes statements which are inappropriate and unprofessional. Nowhere is this set out more egregiously than in the last paragraph of page 11. Dr. Cowan was given a precise and comprehensive mandate by the Board of Governors of

Concordia. It is unacceptable that he assumes that he can avoid his responsibilities for fulfilling his mandate competently by insisting on expressing his "personal biases about how a university should be run," that his work could be "unavoidably tainted by [his] hindsight" that his work "is incomplete, and that this latter blemish is intentional." He goes on to say that he also decided to concentrate only on those portions of the story which give rise to recommendations in Part 3 of this report. "I therefore apologize in advance to those who were anticipating a faithful and scholarly précis of the 900 documents and nearly 30 interviews." This caveat, and others throughout the document are unacceptable, and no more so than to someone like myself, who was drawn so deeply into the Fabrikant affair. Dr. Cowan has not fulfilled his mandate or his trust to us and to the Board of Governors of Concordia University, to the Faculty of Engineering and Computer Science, to the entire University community, and above all to Drs. Matthew Douglass, Michael Hogben, Jaan Saber and Phoivos Ziogas and their families and friends.

The Cowan report is so badly flawed, that it must be set aside. It will be necessary for the work set out in the mandate of the Board of Governors to be re-done, if we are to learn the necessary lessons which must issue from an appropriate analysis of the Fabrikant affair.

MAURICE COHEN VICE RECTOR, INSTITUTIONAL RELATIONS AND FINANCE

I AM VERY DISTRESSED BY THE "RESPONSE TO THE COWAN REPORT Entitled *Lessons From the Fabrikant File*" submitted by Dr. Rose Sheinin and dated May 30, 1994.

I am distressed by the fact that each and every one of the 10 statements in which I am mentioned by name or title in Dr. Sheinin's response is either false, inaccurate or misrepresents the facts. Further, these references are totally without merit. They are as follows:

Page 2, paragraph 1 [of Sheinin's response, beginning: "During Dr. Fabrikant's employment at Concordia, more than a score of University officials . . ."]: I was not one of the officials required at one time or another to deal with Dr. Fabrikant's behavior.

Page 2, paragraph 2 [beginning: "Though this information did not appear in the Cowan report . . ."]: I did not play a significant role in the "Fabrikant Affair" in 1988-89; in fact, I played no role whatsoever. During the period, Dr. Kenniff was Acting Vice-Rector Academic and had delegated to me *only* the grievable decisions that the Vice-Rector Academic had to take under the *collective agreement* (to avoid situations where he might have to rule later on a grievance against him). Fabrikant was not a member of the bargaining unit at the time, and his case never came to my attention in any forum whatsoever.

Page 5, paragraph 1 [beginning: "While, on paper, the Vice-Rector, Academic make the final decision, . . ."]: I am not responsible for the implementation of the collective agreement, only for its negotiation. During the life of the collective agreement, I may be called upon to provide insight as to the meaning of clauses within the collective agreement. However, this is only done when I am specifically requested. It is interesting to note that during Dr. Sheinin's tenure, I have never been so requested. It is therefore misleading to say that with respect to the collective agreement, the "major responsibility falls to the Vice-Rector, Institutional Relations and Finance."

Page 7, paragraph 1 [beginning: *To say the least, singling out members of staff for castigation is unfair. . .*]: I was not one of "the principal University officials involved in the Fabrikant Affair over the years."

Page 7, paragraph 2 [beginning: "Dr. Cowan seems unaware of, or at least fails to examine. . ."]: During the period mentioned, I did not have to deal with Dr. Fabrikant. I knew nothing of "Dr. Fabrikant's aggressive and anti-social behavior" (See comment about page 2, paragraph 2).

Page 7, paragraph 4 [beginning: "During the winter and spring of 1990, Dr. Fabrikant demanded . . ."]: My office never compiled a "Fabrikant file" and, if one existed, I knew nothing about either its existence or contents. I did not hand such a file to Dr. Sheinin after her arrival.

Page 8, penultimate paragraph [beginning: "Dr. Cowan's exposition indicates that the Dean and the members of the Department . . ."]: I had no information, confidential or otherwise, to give Dr. Sheinin about Fabrikant.

Page 9, paragraph 1 [beginning: *Dr. Cowan is correct in his under-*

in the face of someone who obeyed no rules by tearing up a copy of the letter in front of them. Some were quite alarmed. On May 6, the Assistant Vice-Rector and Director of Continuing Education, Douglas Potvin, barred Dr. Fabrikant from all Continuing Education classes, and that order was obeyed.

This is a marvelously clear example of classical insubordination, from a labour law perspective. I can not remember a better one in a university setting. It would appear that if a faculty member (however junior and tenuous) disobeys a legitimate instruction from a person who is not resident above that faculty member in the traditional university academic hierarchy, their action is winked at, even if it is classical cause.

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What followed Potvin's order, however, is bizarre. Styling himself as the aggrieved party, Dr. Fabrikant took his case first to the Ombudsperson and then to the Rector (at that time, J. W. O'Brien). He argued that his career was being damaged by the refusal of the University to let him become bilingual for free. The Ombudsperson came down on the side of Continuing Education, but was only briefly seized of the matter. The Rector referred the matter on May 19 to the Vice-Rector Academic Russell Breen. On June 30, Fabrikant again argued that the University must give him \$1,000 to take French elsewhere, and continued thereafter to prod in a slightly insulting way, till a further refusal on July 26. He prodded again, and the Rector referred the matter to the Vice-Rector Academic, by then, J. Daniel, who wrote a curt response. Dr. T.S. Sankar wrote trying to persuade the Rector to give Fabrikant \$400.

At just this time, Dr. T.S. Sankar had launched his effort to get Fabrikant promoted from Research Assistant Professor to Research Associate Professor. This juxtaposition obviously bothered the Vice-Rector Academic, Dr. Daniel, who on August 9, 1983 wrote to T.S. Sankar that, "Dr. Fabrikant's behavior, both in connection with NSERC and the Centre for Continuing Education has given cause for complaint in several quarters." To this day, I do not know what row Dr. Fabrikant had with NSERC as early as 1983, but clearly, Dr. Daniel was suggesting that Sankar ought to spend his grant money on salary for someone less disruptive.

Dr. Sankar, still the Chair of Mechanical Engineering, replied to this suggestion of his Vice-Rector with the most scathing denunciation, indicating his views that issues of personality had utterly no place in hiring decisions for academic staff, and that anyone who thought they did was a bad academic. Dr. Sankar had only heard Dr. Fabrikant's side of the story, and had not thought to enquire more deeply.

On September 1, 1983, Dr. Valery Fabrikant was promoted to the rank of Research Associate Professor, still soft-funded on the grants of Dr. T.S. Sankar.

The battle over the demanded \$1,000 of guilt money persisted, until, on September 27, legal counsel J.P. Dufour advised no further concessions, writing that Dr. Fabrikant "continues to act in a completely irrational manner." This is the first use of "irrational" in the written record of this case at Concordia.

On June 1, 1984, Dr. Fabrikant's salary was increased to \$27,000, and on June 1, 1985 to \$30,000. On September 1, 1985 he was transferred to the Actions Structurantes program, which used Quebec government money to set up CONCAVE.

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This program was a government soft-funded project of five years (three plus two more after a review) which, if fully satisfactory, could lead to the government soft money becoming permanent funding, which might by 1990 permit the opening of three tenure-stream positions in CONCAVE. In this CONCAVE appointment, still soft-funded, Dr. Fabrikant was not a member of the CUFA bargaining unit, but was apparently guaranteed rights of recourse and rules which on most matters paralleled the collective agreement with CUFA. At this point he had a contract until May 31, 1988. During periods when his employment was not at risk, Dr. Fabrikant was not as aggressive, so the next three years is a period of slim records.

On October 1, 1986, his salary rose to \$37,500, and then to \$40,000 on June 1, 1987. In November 1987, it was raised further to \$42,000, retroactive back to June 1.

During the spring of 1988, Dr. Fabrikant had to go through the renewal process to get the next two years of salary support under the Actions Structurantes program. It began in the early spring. By April 13, he got a positive recommendation from the department. On May 13, the faculty recommended positively as well, and the Vice-Rector Academic, Francis Whyte, offered the renewal, to run to May 31, 1990 on May 18, 1988. Fabrikant accepted it six days later.

True to form, while under the stress of a renewal situation he had another row, this time with Purchasing Services. He had ordered a laser printer, and its delivery was expected to be a few days late. On April 29, he tried to cancel the order, but in fact it had been shipped from the factory to him on April 27. The goods, valued at \$8402, arrived 10 days after the date for which they were promised. Dr. Fabrikant was apoplectic, refused to authorize payment of the bill, demanded free installation and an extended warranty as compensation for the delay. He advanced strange interpretations of the law as to why he did not need to pay, and said he was going to charge rent for storing the unit. By June 8, the Manager of Purchasing Services, Mike Stefano, was exasperated beyond belief. The supplier was about to cut the University off (which they later did on June 29), Fabrikant refused to authorize payment without major concessions or a direct order from the Rector and was threatening to go to the press and start a scandal, though I still cannot figure on what basis. Mr. Stefano, in a letter to the Chair of the Mechanical Engineering Department, Dr. Osman, asked for help and wrote, "Also this is not the first problem I've had with Dr. Fabrikant, who seems determined to see the inside of a courtroom. I am considering refusing to process any future purchase requests without a co-signature, but would like some advice from you first." Osman's advice was to explain it to Dr. Fabrikant's satisfaction.

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In the end, as was usual, it was explained to Dr. Fabrikant's satisfaction, in that Vice-Rector Charles Giguere met with him and caved in. The University agreed to make the printer work to Fabrikant's satisfaction, bear any repair costs arising over the next 12 months (the original warranty had only been 90 days) and to allow a \$2,000 over-expenditure by Fabrikant of his 1988-89 research account. On the facts, Fabrikant was not in the right, but outrageous threats had again won the day.

The renewal on June 1, 1988 carried a pay increase to \$46,000.

By early 1989, Dr. Fabrikant was very unhappy again. He wrote to Patrick Kenniff on January 19 (strangely, received by Kenniff on the 18th) about his "unfair treatment by the department over the years." Arthurs et al deal with some of the research-related questions in their report, but it is sufficient to say here that to the extent that there was any unfair attribution in research, Fabrikant was playing that game as effectively as anyone else. On January 23, the Department Personnel Committee (DPC) declined to consider early promotion to Research (Full) Professor for Fabrikant. During the spring of 1989, Fabrikant showed very obsessive behavior about this issue. On March 8, the Executive Assistant to the Rector tried to get the matter reconsidered on the basis of "new evidence" but to no avail, as the Department remained unconvinced that any of it was new. Fabrikant claimed a link between the promotion and the unfair benefit he claimed that others got from his research, as well as his refusal to engage in what he termed "questionable publishing." He pursued the matter doggedly and viciously. On March 23, Kenniff sent him a fair and friendly letter.

During this same time, in early 1989, at least two persons were privy to Fabrikant's threats of violence. He said, "I know how people get what they want, they shoot a lot of people." He also said he would get the Rector. Somebody must have taken it seriously, because the Rector had security protection for a portion of the spring of 1989. The Rector now feels that he was probably unaware of that fact then, but there are various indications in interviews that he did know he was being protected, to say nothing of how brave an employee would have to be to order security protection for the CEO and not tell him! During this same period, Dr. Kenniff was very keen to get Dr. Fabrikant out of the University, though when the possibility did actually arise later, Dr. Kenniff's training as a lawyer may have prevented him from seizing the opportunity.

It was also in April of 1989 that officers of the University started consulting an outside psychiatrist, Dr. Warren Steiner, for advice on how

Page 26, paragraph 3

In his discussion of my first letter of warning to Dr. Fabrikant, Dr. Cowan presents his view of the collective agreement. It differs from my own. In Article 29.03, there are two provisions for invoking such a letter. One indicates that a Dean may launch a request for such disciplinary action. The second clearly states that the employer, in this case in the form of the Vice-Rector, Academic, is empowered to take such action. My reading of this article of the collective agreement was confirmed by internal legal counsel (who actually drafted the letter) and by Dr. June Chaikelson, Vice-President of CUFA. I made myself very clear on these points to Dr. Cowan in my interviews. However, he has chosen to call this letter "flawed." The Office of the Dean of the Faculty of Engineering and Computer Science was involved as a precaution, under advice from internal legal counsel.

The NSERC Request: Paragraph 5, page 26

Dr. Cowan has chosen to ignore what I told him about the request from Dr. Catherine Armour of NSERC to me, as the Vice-Rector, Academic, to investigate charges of scientific misconduct on the part of Drs. S.S. Sankar, T.S. Sankar, Dr. M.N.S. Swamy. Her first contact with me was in June, 1992, by telephone. This conversation was followed by a letter (July 17, 1992). With the agreement and support of the Office of the Rector, as agreed at meetings of that group, I established an investigative trio of external experts. This action was valid, in the absence of an accepted Concordia University Code of Ethics, which had been stalled in its development in the Spring of 1992 at the Office of the Rector. The implementation of this work was overtaken by the massacre of August 24, 1992 and set aside. It was taken up again by the Board of Governors in November, 1992, ending with the implementation of the investigations by Dr. Cowan and the Arthurs committee.

Dr. Cowan's commentary on this matter on page 26, the last paragraph is incorrect, as a reading of the unedited minutes of the Office of the Rector would have shown. As I had made clear to Dr. Cowan in my interviews with him, I had essentially already struck an ad hoc investigative committee to deal with the NSERC request. I had obtained approval from the Rector and the Office of the Rector, for the striking and launching of this NSERC Enquiry #1 before the events of August 24, 1992. Dr. Kenniff was privy to these developments and could have conveyed them to Me. Andre Gervais, then Chair of the Board of Governors. Dr. Kenniff's letter of July 24 was in the manner of a written confirmation of "note-to-file." Much, if not all of this information was deposited with the Special Committee of the Board of Governors to Review the Work of the Vice-Rector, Academic, Dr. Rose Sheinin, which met from late August, 1993 to Dec. 14, 1993. All of this is to indicate, that Dr. Cowan could easily have obtained the truth by consulting with others.

Page 27, paragraph 4

Dr. Cowan has made far too little of the meeting held on June 23, 1992 in response to Dr. Fabrikant's desire to obtain a permit to transport already held hand-guns. The persons present represented all the relevant offices of the senior administration of Concordia: Ms. Maureen Habib for the Rector, Ms. Angela Wilson-Wright for the Vice-Rector, Academic, Me. Bram Freedman, representing the Office of the Secretary-General as the internal legal counsel, Dr. Charles Bertrand, Vice-Rector, Services, and Dr. Catherine MacKenzie, Associate Vice-Rector, Services. This meeting was requested by the Vice-Rector, Academic in face of the threat of Dr. Fabrikant in his violence against Concordia. The assembly decided that Dr. Bertrand write a letter to Dr. Kenniff for immediate implementation. There was a deadline for action of 5:00 p.m. because Dr. Kenniff would, commencing from that time, be absent from the University for 10 days.

Dr. Bertrand wrote the letter, which requested immediate suspension of Dr. Fabrikant because of his immediate and escalating danger to Concordia University. I verified it through fax, and Dr. Bertrand carried it with the urgency it deserved, and delivered it by hand to Dr. Kenniff. The Rector initially refused to consider it because I had not yet formally signed it, since I was on the Loyola campus at a meeting. This was a trivial reaction, as indicated by the fact that immediately Dr. Kenniff decided that there were insufficient legal grounds to im-

plement the recommendation contained in that letter, which should be included in Dr. Cowan's report as an addendum, along with the minutes of the emergency meeting, and the deposition of Dr. Bertrand.

Page 27, paragraph 5, 6 and 7

Dr. Cowan makes much of the vacation schedule of Drs. Bertrand and Sheinin. I do not know where he obtained this information, but it is false. He could have verified the data very easily, had he wanted to so do. One must ask why he did not. The truth is that Dr. Bertrand was to be away for four working days, and Dr. Sheinin took her usual July vacation, upon the return of Dr. Bertrand, who served as the Acting Vice-Rector, Academic during my absence. It should be noted that Dr. Kenniff did not ask either of us to change our plans, nor did he ask my Office to engage in any activities pertaining to the Fabrikant situation.

Page 27, paragraph 6

It would have been useful for Dr. Cowan to analyze at least one case which is referred to in this paragraph, the Trudel affair. The commentary is impossible to understand without such an analysis. In this paragraph is revealed again Dr. Cowan's propensity to rely on hearsay, even though the facts of each case mentioned are readily attainable, had he taken the necessary time and effort.

Page 27, paragraph 7

The final reference in paragraph 7 is astonishing in its apparent lack of comprehension of the laws of Canada and of Québec, in matters of the civil rights of individuals and the collectivity, in this case Concordia.

Page 28, paragraph 2

Dr. Cowan names only the Rector in his report, as refusing to sign Dr. Fabrikant's request for a licence to carry a gun. This request was denied on June 23 by Dr. Rose Sheinin, Ms. Elizabeth Horwood, Dean M.N.S. Swamy and others. This omission is all the more curious, because Dr. Kenniff had been asked by all of the officers involved to act "forcefully" in this portfolio on June 23. Why then did it take him until July 14 to do so?

Dr. Cowan raises the matter of the modification of a letter to the Sureté de Québec. He does not, however, provide any explanations for the questions he raises. The result is not the facts which he was to provide according to his mandate, but other interpretations, within the context of his own experiences, not at Concordia but elsewhere.

Page 29, paragraph 2 to Page 31

In spite of his caution in paragraph 6 on page 1, Dr. Cowan places much significance with respect to the shootings on a letter of August 21, 1992, rather than on the long history of Fabrikant at Concordia. The discussion of this letter is virtually devoid of fact, is embellished by innuendo, which may very closely approach defamation of a number of members of the Concordia community, including myself.

Having demonstrably failed to make use of facts to which he had access, Dr. Cowan has placed considerable weight on unverified hearsay and speculation. Dr. Cowan asked me about the August 21, 1992 letter in our second interview. I told him that I had never seen such a letter and knew nothing of its contents and authorship.

Thus I was shocked to find that the Cowan report makes a thinly-veiled suggestion that the Vice-Rector, Academic may have been somehow involved in commissioning a letter from Me. Richard Beaulieu, an external legal counsel to Concordia University, written on August 21, 1992 to Dr. Valéry Fabrikant, and which was seen by Me. Michelle Gamache and received in the Office of the Rector on August 24, 1992.

As I informed Dr. Cowan, and now emphasize once again, I have never seen this letter. In fact I have not seen it to this very day. I was not, repeat not, involved in any way in its commissioning, its writing or delivery. I am appalled that Dr. Cowan could intimate otherwise, especially since he could have verified these facts with me.

I must point out that the Vice-Rector, Academic has never had the authority to hire or directly to consult external counsel on behalf of the University, notwithstanding Dr. Cowan's misapprehension to the contrary. That can only be done by the Office of the Secretary-General of Concordia University, usually through authorization of the Rector.

to handle Dr. Fabrikant. Dr. Steiner's advice apparently was to be firm and to record everything.

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On May 18, 1989, Dr. Fabrikant got a merit award. On June 1, 1989, his pay went from \$49,340 to \$54,340. On September 20, a congratulatory memo circulated by Osman drew attention to Fabrikant's new book.

On that same day, the Department recommended a further two years (to May 31, 1992) for Fabrikant, subject to whatever happened to the Actions Structurantes program. Dean Swamy concurred on November 15, 1989.

On December 21, 1989, Dr. Fabrikant sent a short and polite note to the new Vice-Rector Academic, Dr. Rose Sheinin, enquiring about the process of converting Actions Structurantes positions to regular ones, and what conditions needed to be met. He also asked if his teaching load (till then a half load) would continue that way, and sought clarification of his eligibility for sabbatical leave. These were all good questions properly posed. The Vice-Rector's response on Jan 23, 1990, copied to the Dean and Chair, is fuzzy and unhelpful in the extreme. On February 1, Fabrikant replied in a somewhat brittle manner, but in the reply he proposed answers to some of the questions he had himself posed, and, with the exception of silly deadlines which he was always inclined to make up, I agree with those answers. The response from the Vice-Rector chided him for his tone (not without reason) but did not cast light upon any of the issues. In the spring of 1990, Dr. Fabrikant was refused promotion to the rank of Research Professor despite good external reviews and the positive recommendation of the Department, the Faculty and the Dean. No reason is given in the file for the refusal, and no one interviewed can now recall. Fabrikant appealed to the University Appeals Board on June 26, but by early September, the various parties had concluded that Fabrikant's rights did not extend to the use of the UAB, which was the first indication that his parallel rights of recourse were really not parallel to those of the bargaining unit members. I believe this decision to be wrong.

There is a key misinterpretation which appears to have led the University to making wrong decisions in a number of matters relating to Dr. Fabrikant, and that centers around the counting of time. The University maintained to the end that only Fabrikant's service from 1985 onward counted towards promotion, sabbatical and tenure consideration (he was, of course, not eligible to be considered on sabbatical or tenure until he joined the bargaining unit in 1990). This appears to be a wrong interpretation. Dr. Fabrikant became a soft-funded non-unionized faculty member in 1982. The shift to the Actions Structurantes program in 1985 changed the source of the soft funds, but not his rank or status. He was just as much a Research Associate Professor in 1983 as he was in 1989. Suggestions to me by University officers that the pre-1985 situation was a phony or courtesy rank are unworthy.

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Some claimed to me that Concordia just made up the rank of Research Assistant Professor to help Fabrikant find a job elsewhere in 1982, and that the University, unlike the research-intensive places with medical schools, had never before used that rank and that it was meaningless. This is dubious at best. Indeed, the same rank was used in 1979 for Dr. T. Krepec of the same department until a tenure-stream slot could be found for him. Furthermore, nobody told Fabrikant he wasn't really a faculty member from 1982-1985! The particular source of soft funds is irrelevant, and the period 1982-1985 counts. Thus, the 1990 request was not an early promotion request as Fabrikant had been at the Associate level for seven years. Yet it was exactly the allegation that he had not yet reached his seventh year in the rank which was the basis for Associate Vice-Rector Hal Proppe's decision of August 30, 1990 with respect to the UAB.

On July 24, the University began to integrate the personnel on the Actions structurantes program into the regular faculty, one at a time.

During this period, there is no written record of Dr. Fabrikant being disruptive, but I encountered plenty of oral evidence to that effect. Furthermore, there are flocks of internal memos about dismissal for disruptive conduct, though in some Fabrikant isn't mentioned and in others the behavior is not described.

On September 12, 1990, Dr. Osman (as chair) and the Department of Mechanical Engineering recommended to Dean Swamy that Valery

Fabrikant be appointed to a regular tenure-track position at the rank of Associate Professor. The tone of the reasoning in the recommendation is laudatory. It concludes with the request that his previous service as a Research Associate Professor be applicable for tenure consideration. It does not distinguish between Research Associate Professor paid on T.S. Sankar's grant or paid by the Actions Structurantes funding.

On September 12, there is also a letter from the Rector to Fabrikant which implies that Fabrikant had been pestering many people about his concerns, including the Chancellor and Claude Ryan. It did not purport to restrict his right to do so, but correctly pointed out how inappropriate and unproductive it was.

By October 9, Fabrikant seemed to be a bit contrite, according to a message he tried to pass via Grendon Haines. On October 18, the Vice-Rector Academic, Dr. Sheinin, warned Fabrikant that she considered that he was harassing her and her staff. This letter contains the first written mention to Fabrikant directly of possible discipline.

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On October 31, Dr. Sheinin met with Dean Swamy, Dr. Osman, other members of the DPC and two members of the University's informal University Intervention Team (UIT), who were the Director of Health Services and the Code of Conduct Administrator, plus the psychiatrist consulted earlier. Her hope at that meeting was to persuade either the department or faculty level to make a less favourable recommendation for Fabrikant with respect to the probationary (tenure-stream) appointment, largely because of his conduct. In this, she failed utterly. While they were somewhat aware of his behavior, they did not have full information, but neither did Dr. Sheinin and those present to assist her. Furthermore, the engineers still had great difficulty with assessing anything other than research and teaching. While some might have been happy to see Fabrikant go, as long as they had nothing to do with the decision, others, including Dr. Osman, indicated that they would actually counter any negative decision with a grievance.

While very disappointed with the results of that meeting, Dr. Sheinin wrote to the Rector on November 16, 1990 about her dilemma. She indicated that most of those who complained about Dr. Fabrikant's behavior were "disappearing into the woodwork," so she felt that if she made a negative decision on the probationary appointment, the University would face grievances and disputes. On the other hand, she remained convinced that "problems. . . with. . . Dr. Fabrikant will continue," and that "he should not be taken on to the full-time faculty at Concordia."

This is a crucial moment in the story. Dr. Sheinin maintains that she felt unsupported from both directions, in that the Dean was not helpful and she felt the Rector would not back her up if she declined to appoint Fabrikant. Under the collective agreement, it is the Vice-Rector Academic, acting alone, who makes the final decision in such matters. The Rector claims that he was quite prepared to back her up, but it is not clear to me how well he communicated this. Certainly there is a written record, at least, of two suggestions, which were (a) that a copy of the formal warning letter of October 18 be sent to Dean Swamy for inclusion in Fabrikant's file, so that the disciplinary cascade would have begun, and (b) that if Dr. Fabrikant was to be given a probationary contract, a condition of further renewal of that contract, stated in the contract, should be an assessment of his success in avoiding previous (and unacceptable) behavior patterns. These views apparently were communicated orally (with note to file) on November 27, 1990.

On December 4, 1990, Dr. Sheinin did exactly what she had not wanted to do and wrote to Dr. Fabrikant, offering him a two-year probationary appointment (really June 1, 1990 – May 31, 1992) as an Associate Professor at \$59,677 p.a.

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That offer did not contain any conditions with respect to behavior, but did, on the recommendation sheet, indicate (a) that Fabrikant "should be informed that his future research activity shall be directed to support the research focus of the CONCAVE Research Centre," and (b) that Fabrikant "is eligible for tenure consideration only in his third year of probationary appointment (during 1992-93)." This is the same famous sheet which refers to Dr. Fabrikant's three required letters of reference being "on file," which they were not.

During the winter and spring of 1990, Dr. Fabrikant demanded that he be made a full, tenured professor without going through the several processes required by the collective agreement. The key factor over the period 1988-90 was the fact that Dr. Fabrikant was not a member of the bargaining unit or a full-time faculty member. With the successful conclusion of the Actions Structurantes programme in June, 1990, the question of his becoming a professor in the Department of Mechanical Engineering had become one of import for us all. By that time I had begun to understand Dr. Fabrikant's behavior pattern and ability to instill fear in the University. The Fabrikant file compiled by the Office of Dr. Maurice Cohen, who was responsible for all matters of faculty personnel during 1988-89, was handed to me after my arrival by Drs. Cohen and Kenniff, but with inadequate indication of the gravity of the situation.

Dr. Fabrikant's aggressive and abusive behavior escalated throughout the year, targeting all of us in the Office of the Vice-Rector Academic who were concerned with his file, and elsewhere in the University. I met with the University Intervention Team, which includes Dr. Warren Steiner, to ascertain how best to deal with the situation. The outcome, after the issuance of the October 18, 1990 letter, was that Dr. Fabrikant did stop harassing my Office. As indicated in Dr. Cowan's report, Dr. Catharine MacKenzie, then the Executive Assistant to the Rector, had ordered specific security precautions during the early part of 1989 for the Rector and Dr. M.N.S. Swamy, Dean of the Faculty of Engineering and Computer Science.

The facts are the following, and they can be verified in the documents. Prior to the fall of 1990, Dr. Fabrikant was in a position which he shared with many senior research fellows or associates across university departments; i.e., he was not a member of the professoriate, as defined by the collective agreement. The Department of Mechanical Engineering took a position which many other such departments have done; they conferred upon him an honorary faculty position, clearly demarcated by the term research professor. Concordia did not include this category of faculty membership in its collective agreement until the signing of the 1992 collective agreement. Dr. Cowan's depiction of the situation at Concordia at this time, is simply wrong. All comments he makes on this subject must be discounted.

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In regard to my interaction with Dr. Fabrikant, the narrative of Dr. Cowan about a dinner meeting at the Montreal Amateur Athletics Association with the senior members of the Department of Mechanical Engineering and the Dean of the Faculty of Engineering and Computer Science is seriously flawed, notwithstanding that we spent the better part of four hours discussing the file in detail. The purpose of this meeting, described in paragraph one, was not "to persuade either the Department or the Faculty to make a less favourable recommendation for Fabrikant ...". As I told him and those at the meeting, it was to try to impress upon them that the appointment of a member of faculty to Concordia was a very serious commitment; that it required a thorough understanding of a candidate as a researcher, as a teacher and as a member of a collegial community, which demands the close co-operation of all of the professoriate. I tried to persuade them that Dr. Fabrikant's aggressive, anti-social, abusive and violent behavior were not the hallmarks of a professor for Concordia, or indeed for any other university.

Dr. Cowan's exposition indicates that the Dean and the members of the Department of Mechanical Engineering who were present at that meeting, and who had themselves, according to the Dean, complained several times to him about various incidents of inappropriate behavior by Fabrikant, were unwilling to discuss this openly. It is certainly true that I did not have all of the information that should have been given to me by the Rector, the Vice-Rector, Institutional Relations and Finance, the Dean of the Faculty of Engineering & Computer Science, and others in Concordia. They may have felt bound by confidentiality insisted upon by the University, in accordance with clearly flawed rules and regulations in place over the 11-year period of interest. I expect that the forensic audit which is currently under way at Concordia (as a result of the initial request from the Office of the Vice-Rector, Academic in June-July, 1993), will provide a much-needed perspective. It will, I believe, provide a context, though not an excuse, not only

for the behavior of Dr. Fabrikant, but also for some of those whom he has named in allegations of breach of scientific and academic integrity.

Page 21, paragraphs 2 and 3

Dr. Cowan is correct in his understanding that the first appointment of Dr. Fabrikant to a professorial position, recognized as such by the collective agreement, was "a crucial moment in the story." I am of the considered opinion that had the Rector, the Vice-Rector, Institutional Relations and Finance, Ms. Maureen Habib, the Dean of the Faculty of Engineering & Computer Science, and others conveyed any substantial information about Fabrikant's history, had they supported me in my dealings with Dr. Fabrikant, then perhaps it would have been possible to defy the existing practices of 1989-90, and carry through with my own decision that Dr. Fabrikant was not a suitable member of the faculty for Concordia.

Page 26, paragraph 2

The brevity of this passage tends towards obscurantism. It would have been more useful to have from Dr. Cowan not a litany of his feelings, but rather very precise documentation and analysis of the facts, related to the actions taken by Dr. M.O.M. Osman, Dr. Catherine Mackenzie and Ms. Habib. It would be important to know what I have just recently learned: that Ms. Frema Engel, an external expert consultant to Concordia in many matters of violent and aggressive behavior in our workplace, was consulted by Ms. Habib. Her advice as set out in her letter of March 10 to Ms. Habib is an important element of the tale, which is curiously omitted from Dr. Cowan's account.

Page 26, paragraph 3

Paragraph 3 contains a quotation which is taken out of context from a letter of March 30, 1992 to Ms. Maureen Habib, in response to a memo written by her on March 16, 1992. This was a brief summary of a meeting convened by Ms. Habib with Me. Richard Beaulieu, the Vice-Rector, Academic and her Assistant, to "discuss/decide how to handle a letter dated 8 March 1992 concerning "integrity" as addressed to Dr. Kenniff as Chair of Senate" by Dr. Fabrikant. In the memo, tasks were assigned to "Beaulieu/Habib" and "Sheinin/Wilson Wright." The latter were to "meet with V. F. to discuss allegations against ... and ask specific questions concerning his 1 March document"

In my memo of March 30, 1992 to Ms. Habib, I wrote, "I am not comfortable with meeting with Fabrikant. I believe that he has had ample opportunity to provide an officer of the University with substantive documentation in support of the allegations. Bram Freedman is drafting the letter of warning with respect to Fabrikant's March 1 electronic mail letter. Mr. Freedman will get the draft through Me. Beaulieu."

In citing only the first sentence of this quotation, Dr. Cowan has misled the reader of his report, and has himself jumped to erroneous conclusions.

Page 26: Efforts to Dismiss Dr. Fabrikant

During the aforementioned meeting on June 23, 1992 concerning the University's response to numerous requests from Dr. Fabrikant for a signature from his employer to transport an already purchased handgun, Ms. Maureen Habib said that initiatives might be taken to develop a retirement package for Dr. Fabrikant. This matter had never been discussed with the Vice-Rector, Academic, nor with the Vice-Rector, Services. It is possible that the Secretary-General was aware of the matter, since her Office would have had to authorize the solicitation of any external legal advice from McCarthy, Tetrault or other external legal counsel. The issue was never, to my knowledge, discussed at a meeting of the Office of the Rector, which comprises the duly-constituted body of internal advice to the Rector. This can be verified by consulting the unedited Minutes of these meetings.

In the course of the Fabrikant Trial, Dr. Hal Proppe, Associate Vice-Rector, Institutional Relations & Finance did report before the Court, the information that he and Ms. Habib, representing the Rector, were trying to buy out Dr. Fabrikant's legal contract. This was refused by Dr. Fabrikant.

The imposition of the condition with respect to holding off consideration for tenure till the third year was probably done because of the behavioral problems, though the link is nowhere mentioned. It does not appear as a condition in the two otherwise very similar contracts given in 1990 to the two other faculty members moved from the Actions Structurantes posts into the resulting probationary posts, Dr. A.K.W. Ahmed and Dr. S. Rakheja.

Dr. Fabrikant accepted the offer on December 11, 1990. It had retroactive effect for over six months. At that moment, he became a member of the bargaining unit represented by CUFA and a unionized employee.

The imposition of the condition of delayed access to tenure was not contrary to the collective agreement with CUFA at that time. However, two months later, on February 13, 1991, a new collective agreement came into force with provisions which dictated clearly how service in a research faculty position counted towards tenure consideration. That new collective agreement, which for the first time included provisions about research appointees, set out in 12.05(g) that: "If a person obtains a tenure-track position and if the person has taught at least ten (10) courses on research appointments, the accumulated service shall count for mandatory tenure consideration. For persons who have taught between five (5) and nine (9) courses the accumulated service shall also count for mandatory tenure consideration, but, Article 18.10 notwithstanding, such persons are not eligible for mandatory tenure consideration until they have completed at least one (1) year of probationary appointment."

Dr. Fabrikant was now an Associate Professor, had eight-and-a-half years of service on research faculty appointments and had taught often (though narrowly), so that, while records are poor, he had probably taught more than 10 one-term courses since 1982, not counting academic year 1990-91, during which he was teaching two more. Thus, under this new rule, he was eligible for mandatory tenure consideration (18.10) either in 1990-91, which is to say immediately after the ratification of the collective agreement, or, at worst, in 1991-92, but certainly not as late as 1992-3.

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Even if the service and teaching was only counted from 1985, one error which the University was already making, he would have still been up for mandatory tenure consideration in 1991-92, with six courses taught during 1988-91, and others in 1985-1988 and 1991-92, since he was nominally on half teaching load from 1985 to 1988, and full load from 1991 - 1992.

When provisions of a collective agreement contradict some element in an individual contract with a bargaining unit member, the collective agreement prevails. This is true in every jurisdiction in Canada. Individual contracts can certainly modify things upon which a collective agreement is silent or permissive, but that is all. By not addressing the rigid wording of 12.05(g) at the bargaining table, the University gave up any breathing space it had won by getting Fabrikant to sign his probationary contract with the delay condition. Nor can it reasonably be argued that if he signed his acceptance before ratification of the new collective agreement, he was bound by those constraints, even though they extended even beyond the end of the new collective agreement. Simply put, the University, by "compartmentalization," made certain that the right hand would never know what the left hand was doing. Either 12.05(g) should have been negotiated with some latitude based on assessment of performance and suitability, or a different method should have been employed in the first place to avoid tenuring a disruptive and harassing employee. When Fabrikant later argued that the collective agreement gave him the right to be considered for tenure in 1991-92, the Vice-Rector Academic paid scant attention, but in fact he was correct.

As could be predicted, after Dr. Fabrikant got his probationary appointment, things quieted down for a while. However, by the early fall, an arrogant request from Dr. Fabrikant to use his internal University research grant to buy out some of his teaching was refused by Dr. Osman in scathing terms. This triggered a war of words in which Dr. Fabrikant began to level accusations at colleagues. This war of words never really ceased from October 14, 1991 until his departure from Concordia on August 24, 1992. Indeed, it merely picked up steam as it went. We now know, from the work of Arthurs et al, that a few of Fab-

rikant's accusations were, in fact, correct. These, however, were interspersed among a large number which were false; this created a fear in the Department that no one was safe from some degree of victimization. On the teaching buy-out issue, Fabrikant was evidently fully in the wrong. By October 25, 1991, the majority of senior faculty in the Department were so concerned about Dr. Fabrikant's behavior (now that it had begun to impact them) that they passed and signed a sort of censure motion.

By October 30, the Department Personnel Committee (DPC) was struggling with how to bring behavior into the consideration of Dr. Fabrikant's contract renewal for the period after May 31, 1992.

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This was not easy for quantitative scientists to cope with. They were used to counting papers and checking the teaching evaluation scores. They spent over 30 hours just to get to the point of introducing behavior into the question. This level of naiveté is not uncommon in some quantitative disciplines, so the usual howl by the experimentalists over the "softness" of the humanities has its counterbalance here.

The October 30 meeting, therefore, went on into the night. By this point, the members of the Department, who in the past never had much information about Dr. Fabrikant's bad behavior outside the Faculty, were learning more and becoming more fearful. Then, late in the evening, they discovered Dr. Fabrikant just outside their meeting-room door. Whether or not he was eavesdropping will never be established, but they certainly thought he was doing so. Dr. Osman tried to prevent Dr. Fabrikant from leaving until security arrived. It has never been clear why he tried this. This action by Osman was held by a Code of Conduct panel decision in July 1992 to be inappropriate, and a small fine was levied upon the DPC members, though the murders occurred before it could be collected.

The members of the DPC were not the only ones nervous about Dr. Fabrikant. At the Senate meeting of November 1, 1991, Associate Vice-Rector Catherine Mackenzie, who was responsible for security (among other things) became concerned that Fabrikant was carrying a gun in a valise. She sat next to him to monitor him closely during the meeting, and had him searched by police as he left. No weapon was found. Dr. Mackenzie had been very much aware of Dr. Fabrikant's threats for years, and during the 1989 period of trouble when she was Executive Assistant to the Rector, it was probably she who had decided that security protection for the Rector was needed. Fabrikant had first mentioned shooting people to her in 1989. Of all the persons involved in this matter, Dr. Mackenzie was probably the one most alarmed by Fabrikant's behavior. She was also fined by a Code of Conduct panel decision in July 1992.

Throughout November of 1991, there was alarm in many quarters. Dr. Osman's secretary was by now quite concerned, and was making sure she knew reflexly how to handle an emergency. (When the time came, she handled it in an exemplary fashion). On November 6, Grendon Haines wrote that he thought the police should be involved. On November 7, four senior Department members wrote to the Secretary General asking for an emergency suspension of Dr. Fabrikant under 29.07 of the collective agreement. About November 20 the informal University Intervention Team ended its work with the suggestion that an outside person be called in to manage the situation. On November 18, the DPC recommended not to renew the appointment of Dr. Fabrikant after May 31, 1992, based on behavioral issues and the narrowness of his teaching expertise.

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On November 20, Dr. Fabrikant countered with a submission to the FPC about his teaching. In it, he outlined both what he had taught and what he could teach, which was indeed rather broader than what he had been assigned. In early December, the FPC backed off a bit, recommending a renewal for one year with four conditions, the fourth of which dealt with behavior. On December 12, the Vice-Rector Academic acceded to the recommendation of the FPC and accorded a further one-year renewal with the four conditions.

Meanwhile, in a parallel matter, Fabrikant was denied the opportunity to have a sabbatical leave application considered. On November 21, 1991, Dr. Sheinin wrote to Fabrikant refusing, on the basis that under 26.02, only tenured members were eligible.

versities and other organizations as to which models of leadership, administration and management are the most appropriate and successful for present times.

Despite his mandate, Dr. Cowan provides little insight into the central question of the Fabrikant Affair, i.e., how a university could and should deal with disruptive, aggressive and violent behavior. In discussing administrative behavior in universities in general, on page 5 (paragraphs 2-3 and 5), Dr. Cowan fails to validate his analysis or to provide alternatives.

In sum, the Cowan report is short on precision and factual data and long on unsubstantiated inference and conclusions, some of which impugn the intentions and behavior of several people, including myself. They lead one to wonder why they were made, when each false premise could have been corrected by careful examination of documents and by giving full and equal attention to the evidence of not just some, but all of the many persons he interviewed.

The Collective Agreement

While Dr. Cowan has, correctly, focused attention on the collective agreement between the University and CUFA, he demonstrates no understanding that all three Vice-Rectors are responsible for its creation, negotiation and implementation. That the major responsibility falls to the Vice-Rector, Institutional Relations and Finance, as set out in several University documents, is barely mentioned. Given his references to the "solo role" played by the Vice-Rector, Academic, Dr. Cowan fails to understand that difficult decisions are addressed in consultation among the three Vice-Rectors and with input from internal legal counsel and the Office of the Rector.

While, on paper, the Vice-Rector, Academic makes the final decision, the appointment, reappointment, promotion, tenure, etc. is the result of collective process. The role of the Departmental Personnel Committee (DPC), the Faculty Personnel Committee (FPC) and, above all, the Dean, are paramount, as records of the past five years will confirm. Although Dr. Cowan had opportunity to do so, he did not discuss with me the precise role of the Vice-Rector, Academic in the decisions taken in regard to Dr. Fabrikant which flowed from the collective agreement.

Academic Freedom

This is an issue under debate in universities across Canada and elsewhere. Although Dr. Cowan does suggest that skewed concepts of academic freedom are an important factor in the Fabrikant Affair (page 6, paragraphs 3-5, page 7, paragraphs 1-2) he makes no real contribution to our understanding of how universities could and should protect the concepts and practices of academic freedom from abuse. The key issue is set out on page 7 (paragraph 3), but one wonders if Dr. Cowan has examined the policies and practices in place at Concordia, since he has made little reference to the environment in the Department of Mechanical Engineering and the Faculty of Engineering and Computer Science, where Dr. Fabrikant was able to play out his increasingly anti-social, aggressive and ultimately violent behavior.

Measures of Security

On page 8 (the last paragraph), Dr. Cowan discusses the absence of mechanisms which would have enhanced important information exchange in the Fabrikant affair. There were a number of repositories of information which remained separate for a number of reasons. These include the files held by Security, those maintained in the Ombuds Office, those kept by each individual and in each unit (academic or otherwise) which had to deal with Dr. Fabrikant. It would have been very helpful had Dr. Cowan shown what these units were and how their interaction could be enhanced for the future security of all. These several collections of files were not noted in the Cowan report. Nor did Dr. Cowan make reference to the considerable work being done in the Office of the Vice-Rector, Services to address this issue.

Collective Decision-Making

Dr. Cowan's commentary in paragraphs 2-3 on page 9 are valid. Concordia has indeed suffered from the non-collective approach to problem identification and solving which has characterized the operation of the Office of the Rector for long before my arrival in 1989. However, analysis on Dr. Cowan's part would have been helpful. He would

perhaps have discovered that, notwithstanding the efforts of Dr. Bertrand and myself over a long period of time, we were unable to ensure that the Fabrikant issue was discussed adequately at the weekly meetings of the Office of the Rector.

Dr. Sheinin and Dr. Fabrikant

In paragraph 2 on page 10, Dr. Cowan states that "At no time after 1989 ... did any senior officer of the institution confront Dr. Fabrikant in the personal and almost (brutal) drawing of the line..." This statement is untrue, *as noted in the last paragraph of page 20 of his own report*. The Vice-Rector, Academic did, in fact, write a cautionary letter of reprimand to Dr. Fabrikant on October 18, 1990. It is noteworthy that Dr. Cowan did not acknowledge this, since we discussed this episode at length.

PART 2 FABRIKANT AT CONCORDIA

While there is much to be questioned in the narration set out by Dr. Cowan in Part 2 of his report, I shall comment only on elements which in my experience, are incorrect or totally false.

Page 14, paragraph 2 to Page 14, paragraph 3.

During the thirteen years of Dr. Fabrikant's employment at Concordia, more than a score of University officials were involved with his behavior. These were faculty members, chairs of departments, members of the decanal team and the Dean of the Faculty of Engineering and Computer Science as well as members of senior administration and of the Executive of CUFA. It is disturbing to find that Dr. Cowan devotes such a disproportionate amount of space and opprobrium to the actions of Ms. Suzanne Belson, of the Ombuds Office, and Ms. Angela Wilson Wright, the Assistant to the Vice-Rector Academic, both of whom had responded appropriately within the rules of confidentiality promised to the young woman involved in the matter of an alleged rape of a student by Dr. Fabrikant.

Although Dr. Cowan did not address this matter with the Vice-Rector, Academic, he discussed it with Ms. Wilson Wright. It is my understanding that he has not accurately reflected the gist of the conversation. The young woman in question had spoken to Ms. Wilson Wright, whose response was professional, compassionate and sensitive to the former's psychological and physical needs and was in conformity with the ethical practices of the University. In his reference to Ombudsperson Ms. Belson, Dr. Cowan lacks understanding of how the Ombuds Office is constrained; nor did he mention that until fairly recently, there was no sexual harassment policy or procedure in place.

To say the least, singling out members of staff for castigation is unfair. The principal University officials involved in the Fabrikant affair over the years were Drs. T.S. Sankar and M.O.M. Osman, who chaired the Department of Mechanical Engineering; Dr. S.S. Sankar, the director of Concave, which housed Dr. Fabrikant for many years; Dr. M.N.S. Swamy, Dean of Faculty of Engineering and Computer Science, and members of his decanal team, the senior professors of the Department of Mechanical Engineering, the senior officers of CUFA, and Drs. Patrick Kenniff and Maurice Cohen. Surprisingly, these senior members of the academic leadership of the University are either not mentioned, barely mentioned, or cast in relatively benign light.

Dr. Cowan seems unaware of, or at least fails to examine, the fact that for a year and a quarter after the departure of Dr. Frances Whyte, the Rector and the Vice-Rector, Institutional Relations and Finance shared the responsibility for the vacant chair of Vice-Rector, Academic. This meant that these two officers had to deal with Dr. Fabrikant at a crucial period in his participation in the Actions Structurantes and in his growing anxiety about appointment to the bargaining unit. They failed to take appropriate action in response to Dr. Fabrikant's aggressive and anti-social behavior, and, as I pointed out to Dr. Cowan, I was not informed by them of the full history and seriousness of Dr. Fabrikant's behavior when I took office in September, 1989.

Page 19, paragraph 3

Dr. Cowan has chosen to put an interpretation on the collective agreement of 1989-92 which is not that accepted by the Concordia community, including its Office of the Vice-Rector, Institutional Relations and Finance, as expressed by Dr. Hal Proppe, who had participated in its negotiation.

Unfortunately, Fabrikant had not been applying under 26.02, but rather 26.16, which had been in the collective agreement since 1984, and which reads in its entirety: "A member who is not tenured and who has ten (10) years or more years of continuous service shall be eligible for sabbatical leave under the provisions of this article." This provision, which is most unusual in Canada, had originally been inserted to benefit a small number of long-service limited-term faculty. In particular, at least one person, Prof. A. Boswall in Mathematics, has received leave under this provision (though I was repeatedly told by senior University officers that no one had ever done so).

When the new collective agreement of February 13, 1991 appeared, the juxtaposition of 26.16, which was retained, with the new 12.05 on research appointees made it probable that Fabrikant's service as a (research) faculty member would be service for the purposes of 26.16. No one had noticed the interaction between these two provisions.

Thus by June 1, 1992, Dr. Fabrikant did have exactly 10 years of service as a member and did not have tenure. He was, in my view, eligible to be considered for a sabbatical leave. At various times, various officers wrote to him alleging that only his time since 1990 counted, that only his time from 1985 counted and that (probably correctly) his pre-1982 time did not count. The ongoing pretense that he was not a faculty member during 1982-85, but was during 1985-90, surfaces here again.

By January 1992, many observers felt that Dr. Fabrikant's stance had become even more brittle, detached, and extreme. Dr. Osman began to investigate slightly back-door methods of relieving himself of Dr. Fabrikant. On January 15, Dr. Osman asked the Secretary General for assistance because Dr. Fabrikant had failed to comply with a DPC request that he prove his credentials. On January 23, Dr. Osman was advised by the Secretary General to desist. In fact, much has since been written about Dr. Fabrikant falsifying elements of various cvs. Some of this derives from the apparent differences in his cvs over the years. I have compared them, and the differences are largely explicable if one examines differences in academic ranks and degree-granting systems between North America and the former USSR. Thus his "upgrading" of his USSR academic ranks and subsuming of "Mechanical Engineering" within his degrees in Mechanics and Applied Mathematics in post-1983 cvs are not uncommon reinterpretations made by such emigrés once they fully understood Canadian equivalences, according to a number of them I consulted.

Despite Mme Gaudet's advice, Dr. Osman continued to follow up this issue by pressing Fabrikant again on February 5. Doubtless, Dr. Osman was feeling very bruised by this point, considering the raft of grievances filed by Fabrikant, plus some very strong (and quite articulate) letters he had recently written to Osman. By February 10, Dr. Mackenzie was asking for outside assistance in conflict resolution, and on that same date, Ms. Maureen Habib, Executive Assistant to the Rector, attempted to get cooperation on centralizing all data on harassment by Dr. Fabrikant. Some outside advice was sought, as evidenced by one long letter from an external consultant in conflict on March 10.

Throughout this period, Dr. Fabrikant was widening the war, writing to all and sundry outside the University about his grievances, real and imagined. The E-mail campaign had also begun, in which Dr. Fabrikant used that facility to campaign with his views. By the end of March, Dr. Sheinin wrote to Maureen Habib that, "I am not comfortable meeting with Dr. Fabrikant." This was also the date of the first formal warning under 29.03 from Dr. Sheinin to Dr. Fabrikant, the first step in a disciplinary cascade which could lead to dismissal. This first step was flawed in the first instance by failing to base the action on a complaint originating from the Dean. This was later corrected on April 21. On April 13, the Internal Grievance Committee inexplicably upheld the University position on Fabrikant's requests to be considered for sabbatical and tenure, but did find for Fabrikant on his eligibility to be considered for promotion. On May 25, the Rector, though he had doubts about the correctness of those decisions, confirmed all three.

By May 18, there was evidence that Dr. Fabrikant's wars had nearly totally distracted him from his science. An editor of a journal wrote that he couldn't get a response from Fabrikant to a provisional acceptance of an article, and had been trying since October 1991.

By June 11, the Chair of the Board of Governors, Me A. Gervais, suggested to the Rector that an independent inquiry similar to that eventually carried out by Arthurs et al be set in motion to address Dr.

Fabrikant's accusations about scientific misconduct. It is worth noting that this is well before the July 17 request from NSERC to do so. By July 24, the Rector had written to the Vice-Rector Academic, urging her to organize such an inquiry. On August 12, he even proposed possible names for members, one of whom did join the inquiry when it took place much later.

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On June 17, the second (and last) warning under 29.03 was drafted, but not sent. On June 22, CUFA decided to take the (probably wrong) sabbatical decision of the Internal Grievance Committee to arbitration.

On June 22, Dr. Fabrikant sought to get employer endorsement for his request for a handgun transport permit. He started at the Department level. This request implied that he already owned at least one handgun, a fact lost on some, but not all, officers of the University.

On June 23, Dr. Osman restarted the promotion consideration process, as he had been directed to do by the success of Dr. Fabrikant's grievance on the matter.

That same day, in response to the gun permit issue, an emergency meeting of some senior officers yielded a request by two Vice-Rectors (Drs. Sheinin and Bertrand) to have the Rector suspend Dr. Fabrikant under his emergency powers. Dr. Kenniff's failure to do so has been the subject of much comment and speculation. While I believe he should have done so, there were powerful reasons why he did not:

1. The compartmentalized decision-making structure which made Dr. Sheinin so fearful of blocking Fabrikant's probationary appointment came into play again. The Rector felt exposed and unsupported. There were no signed complaints, and the two Vice-Rectors asking him to do this thing were both leaving the next day on holidays (Bertrand for 10 days and Sheinin for 43 days). Neither had exactly offered to stick around and extract signed complaints. (Both Vice-Rectors, in turn, believed that nothing would have persuaded the Rector to suspend, and therefore were more passive than might have been expected).

2. The Rector had indeed used those powers before, in a case where there were signed complaints, and it was still a massive struggle to prevail in the resulting grievance process. It is likely that the discipline provisions of the collective agreement were then too narrowly drawn. It has been mentioned but not confirmed that the Rector had also had a similar bad experience trying to appropriately dismiss someone in the civil service.

3. Perhaps due to his training as a lawyer, the Rector has an instinctive inclination to look first at individual rights, and only later at collective ones. Usually a valuable reflex, it did not serve him well in this instance.

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The problem faced by Dr. Kenniff is not unusual. In cases of threats or harassment elsewhere in Canadian universities, it is a general finding that signed complaints rarely can be obtained before taking clear executive action. Clear executive action, however, generally results in a sufficiently renewed level of confidence to get signed complaints, sometimes in large quantities. In the future, it will be important for Boards of Governors to understand this, and to expect that the Rector or President may have to take somewhat precipitous action on well-founded suspicion rather than proof. This means tolerance of a situation in which a Rector or President who has reason to believe a hazard exists can act, and if, by some happenstance, the expected formal complaints do not materialize, may not be able to maintain that stance.

On July 14, Dr. Kenniff forcefully declined Dr. Fabrikant's request with respect to the permit to transport a handgun. During the same period, the senior officers of the institution were preparing a letter to the Service des Permis of the sq, based on a draft by Me B. Freedman done on June 29. Somehow, in the process, the most forceful two paragraphs of the lawyer's draft, dealing with Dr. Fabrikant's behavior, were deleted. Furthermore, in a move which belied the emergency atmosphere, a further week was lost in translation, despite the best evidence that the sq reads very well in either language. The letter to the sq went on July 14, and sat on the desk of a chap who was on holiday until September.

colleague was unfit to be a professor of a university department.

The Dean of the Faculty of Engineering and Computer Science, although well aware of Dr. Fabrikant's history of bizarre and threatening behavior, made no clear effort to over-ride the recommendation made by the Departmental Promotion Committee and the Chair of the Department of Mechanical Engineering to offer Dr. Fabrikant a faculty position. I was told by Dr. M.O.M. Osman, the departmental Chair, that if I did overturn their recommendation, they would take me to grievance and seek censure by the CUFA. I sought the help of Dr. Patrick Kenniff, the Rector, without success. This was finally crowned by Dr. Kenniff's refusal to accept the recommendation made on June 23, 1992 by two Vice-Rectors, myself and Dr. Charles Bertrand, to suspend Dr. Fabrikant from the University because he was a growing danger to the community.

Dr. Cowan was given a mandate by the Board of Governors to review the employment history of Dr. Fabrikant and to make recommendations on all aspects of the engagement of faculty; duties and conditions attached to employment contracts; policies, procedures and mechanisms for dealing with harassment and disruptive behavior, and for resolving grievances concerning employment.

Dr. Cowan has demonstrably not made balanced use of all of the facts which he had at his disposal in the form of documents and through interviews with selected individuals. He has failed to fulfill his mandate, and, therefore, his contractual obligations to Concordia University and its Board of Governors.

During Dr. Fabrikant's employment at Concordia, more than a score of University officials were required, at one time or another, to deal with his behavior. Most were faculty members, including chairs of departments, the Dean of the Faculty of Engineering and Computer Science and other members of his decanal team. In addition, this group included members of the senior administration of Concordia and CUFA. The key officials of the Fabrikant affair over most of the 13 years of his employment were Dr. T.S. Sankar and Dr. M.O.M. Osman, who successively chaired the Department of Mechanical Engineering; Dr. S.S. Sankar, Director of CONCAVE, which provided Dr. Fabrikant with facilities for many years; Dr. M.N.S. Swamy, the Dean of the Faculty of Engineering and Computer Science; various senior professors in the Department of Mechanical Engineering; senior officers of CUFA and Drs. Patrick Kenniff and Maurice Cohen.

Though this information did not appear in the Cowan report, not only did Drs. Kenniff and Cohen play their roles as Rector and Vice-Rector, Institutional Relations and Finance, respectively, but in addition they acted as co-Vice-Rectors Academic during the one and a quarter years between the early departure of Dr. Frances Whyte and the arrival of Dr. Rose Sheinin. They played a significant role in the Fabrikant affair in 1988-89.

A close reading of the Cowan report will reveal an avoidance of factual data in favour of vague, ill-documented inferences and conclusions, none of which can be verified by a reader. There is much in the report which I know to be false and which casts unwarranted aspersions on the intentions and behavior of a number of persons, including myself. All of these statements could easily have been rectified by a careful study of the 900 documents available to Dr. Cowan, and proper weight being given to all, not only some, of the interviews carried out.

Dr. Cowan makes a number of statements which are either unfounded or unprofessional. It is unacceptable, for example, that Dr. Cowan, an Ottawa-based professional consultant in the training of university administrators, should attempt to excuse the inadequacies of his report by saying that his work could be "unavoidably tainted by hindsight and by my personal biases about how a university should be run," or that his work "is incomplete, and that the latter blemish is intentional." He goes on to "apologize in advance to those who were anticipating a faithful and scholarly précis of 900 documents and nearly 30 interviews." One would have expected Dr. Cowan to have identified (and referenced) the documents upon which he based his conclusions and his recommendations. This he did not do. In addition, one would have expected Dr. Cowan to cite all of the documents which are referred to in his report, and especially those from which he has taken quotations, perhaps out of context. Even more appropriate would have been for him to append these documents to his report.

The Cowan report has ill-served the Board of Governors, the Faculty of Engineering & Computer Science, the entire Concordia community and, above all, the memory of Drs. Matthew Douglass, Michael Hogen, Jaan Saber, Phoivos Ziogas and their families and friends.

PREAMBLE

Dr. John Scott Cowan was appointed by the Executive Committee of the Board of Governors of Concordia University, on Wednesday, Nov. 10, 1993. His task was the following:

"1 a) To review all documents related to the employment history of Valery Fabrikant at Concordia University and, where he ... deems it useful, to interview any persons capable of providing additional information.

b) To make recommendations to the University, based upon this review, for concrete measures to enhance the University's ability in the future to address the following matters:

(i) policies, procedures, norms and criteria used for hiring, rehiring and promotion of faculty;

(ii) duties and conditions attached to employment contracts;

(iii) policies, procedures, practices and mechanisms for dealing with harassing, uncivil and disruptive behavior from members of the University community;

(iv) policies, procedures and practices for resolving grievances concerning employment or the conditions of employment; and

(v) any other policies, procedures and practices he ... considers relevant to the subject matter of this review; ..."

Given Dr. Cowan's mandate and professional training, I expected the following:

That he familiarize himself, free of intercession or interpretation by others, with all relevant documents, including the Concordia University Faculty Association (CUFA) collective agreements and the practices which issued from them over the thirteen-year period of Dr. Fabrikant's employment.

That he demonstrate an understanding of the Actions structurantes programme of the Government of Québec which supported Dr. Fabrikant's research position for five years.

That he provide a detailed, well-sourced and referenced analysis of the above, including the options available to those who have dealt with Dr. Fabrikant over 13 years, the actual choices made and why they did not work.

And finally, that he would make detailed recommendations relative to his mandate.

Dr. Cowan has demonstrably failed to meet those expectations. As Vice-Rector, Academic, I met with Dr. Cowan for about two hours on Feb. 18, 1994 and for a similar period on March 1. In agreeing to meet with him, I had anticipated that Dr. Cowan would believe what I told him, or should he find that other interpretations differed from my own in all important elements, that he would investigate discrepancies so as to avoid his presentations of false and inaccurate information to the Board of Governors and ultimately to the public. At no time subsequent to our second meeting, on March 1, did Dr. Cowan contact me in regard to material in his report.

The Cowan report is seriously flawed by inadequacies in reportage and formulation, by the lack of references to sources and by a failure to list the interviews and documents upon which he based his conclusions. As one specific example: page 3 (paragraph 2) states that "some individuals proffered their own private stashes [sic] of documents..." The author does not state that he had asked me and others to provide such material, nor does he identify "the small percentage of genuinely new documents turned up in this fashion."

PART I OVERVIEW AND CONTEXT

In lieu of academic rigour, Dr. Cowan has frequently relied on unsubstantiated judgments. As a professional consultant in courses training university administrators, he seems to have approached his Concordia task with pre-conceived opinions. For example, his comments on academic administrators on page 5 (paragraphs 2-4) denigrate concepts of academic administration and management which are not in accord with his own, while ignoring the contemporary debate among uni-

During July and August, there were many salvos fired on both sides. Dr. Osman turned up the heat a bit by trying to set in motion a process to reclaim some internal grant money from Dr. Fabrikant's control. Dr. Osman had also determined that he would get Dr. Fabrikant to teach two design courses among his four-course load for the next year. Dr. Fabrikant had objected, and indeed he had not been the first faculty member to try to avoid teaching design, since those who have not worked in that area find it very hard to get into. It is well understood that Dr. Osman wished Dr. Fabrikant to demonstrate a greater topic breadth in teaching before being considered for tenure, but it seems likely that the choice of design was intended to put on some extra pressure. A number of engineers have indicated to me that there were better (and fairer) choices of courses which could have been used to demonstrate adequate breadth.

By August, Dr. Fabrikant was in trouble on a number of fronts. He risked contempt of court for his comments about Mr. Justice Gold contained in his vituperative E-mail messages, he faced a most taxing shift in teaching in the fall, he was facing lawsuits, and launching others, and had utterly alienated even CUFA, his faculty association. His big E-mail campaign to vilify his enemies was beginning to backfire. But he still had full access to the campus and its facilities.

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In addition to strains in the working relationship between the Rector and the Vice-Rector Academic, that summer their schedules did not make for easy co-ordination on what was a growing crisis. Dr. Sheinin was on holiday from June 24 to August 2 inclusive. After one week back, she was in Europe on University and academic business during August 11-17 inclusive. Dr. Kenniff left on August 15 for what was intended to be two weeks in Maine.

On August 17, the University's external legal counsel, Me R. Beaulieu at McCarthy Tétrault, sent a draft of a strong letter about the E-mail campaign to Me M. Gamache, the University internal legal counsel. No one can now recall who had requested the draft or when, but the cover letter from Beaulieu makes it clear that he finds it unusual for an employer to send such a letter to an employee rather than exercising management rights or rights enshrined in a collective agreement. The draft was evidently approved as written some time between August 17 and August 21 because the final version which was sent to Dr. Fabrikant was identical to the original draft. The final version was dated August 21, signed by Richard Beaulieu and sent by registered mail. The Rector's office received a copy in the mail on or before August 24, as it bears a receipt stamp dated August 24. The last paragraph of that letter reads (in its entirety):

"By the present letter you are hereby advised that our client will hold you entirely responsible for all damages incurred by it and will not hesitate to take appropriate legal proceedings against you to compel you to cease your current course of action. You are further advised that action will be taken regarding your employment status with the University in accordance with the collective agreement. Finally, the present letter in no way should be considered as addressing itself to individual recourses which any grieved person has against you as a result of the matters herein discussed. Do govern yourself accordingly."

It seems very unlikely that Dr. Kenniff was the originator of the request. He was on vacation when the draft was approved, and the detailed reaction to the E-mail campaign had been largely handled by the office of Dr. Sheinin, who had certainly been frequent in her use of outside counsel for human resource management assistance. On the other hand, Dr. Sheinin was away for six days before the draft appeared on the scene, so if she requested it, she could only have done so in the eight day period before August 11. Given the difficulties between the two senior officers it is unlikely that one ordered the draft and the other approved it. Thus, while there are hints, there is no certainty as to the true originator of this initiative. I certainly cannot believe that it was an assistant to one of the senior officers, nor is it likely to have been initiated by internal legal counsel.

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The letter is problematic, in that I find it to be a very strong letter. The second sentence of the last paragraph appears to be an advance notice of dismissal. While I appreciate that it was absolutely necessary to bring the Fabrikant E-mail campaign to a halt, it is clear that Dr.

Fabrikant placed great importance in his job and his job security. He may at one time have been responsive to strong threats, but that was only when he had something to gain by complying. Predicted dismissal just before the season in which he would be considered for tenure was not what he had in mind as a University response to his grievances and accusations, and could be viewed as giving him little to lose.

On the other hand, things had reached the point where dismissal seemed quite logical, either by the second warning and dismissal route (29.04 and following in the collective agreement) or the emergency powers route (29.07 in the collective agreement). Article 29 of the collective agreement then in force is silent on all other discipline other than letters of warning, ordinary dismissal after two warnings, or emergency suspension, which becomes a dismissal unless successfully grieved. This does not mean that other discipline is precluded, but that it remains a management right which, according to 5.02, must be exercised in a fair and reasonable way. The title of Article 29 is "Dismissal and Other Disciplinary Measures," and I don't doubt that CUFA would have read that to mean that all other disciplinary measures, including, for example, suspensions with pay not leading to dismissal, were precluded. I find that unlikely, because the entire article is oriented to dismissal, so that other measures mentioned therein are mentioned as ante-chambers to dismissal. It is unlikely that even CUFA intended that the only true discipline would be dismissal.

Even so, given Dr. Fabrikant's history, it would certainly have been preferable to take certain precautions before launching either route to dismissal. Among these would have been to bar him from campus until any investigation was complete. This may be held to be tantamount to a suspension with pay if the intent is disciplinary, but if it is merely a stopgap measure for public safety, it has been argued in some settings that if there is no loss of pay and benefits, it is only discipline if it persists after the investigation is concluded.

Much of this is academic, as a direction barring him from campus would not necessarily have been obeyed. It would, however, have provided a basis for taking steps both to have personnel in place who could enforce such a bar and to alert the staff in his usual haunts that he was being barred. This requires a co-ordinated effort, which is exactly the point. A letter such as the one sent on August 21 is not normally sent to a person with a history of harassment or threatening behavior without a co-ordinated effort in preparing for its effect.

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Indeed, that makes it all the more problematic that such a communication would go via external legal counsel to the recipient, especially by registered mail, because the timing of receipt is never known. Co-ordination normally implies controlling timing, so that where behavior is an issue, a more controllable method of advising the employee is used.

There is no evidence that anyone at the Department of Mechanical Engineering or the Faculty of Engineering and Computer Science was advised that it had been sent.

It is not even known whether Dr. Fabrikant ever received or saw that letter. Just because the University's copy arrived on or before the 24th, and was opened on the 24th, does not mean necessarily that Dr. Fabrikant's did. That is merely a presumption.

He may indeed have decided to act so violently that day without the extra stimulus of predicted dismissal. That does not invalidate the notion that extra care normally ought to be taken when delivering such a stimulus to someone of whom people are already quite fearful.

By August the 24th, the University's plans to commission an external inquiry into Dr. Fabrikant's complaints about research ethics were actually fairly advanced. The Rector and the Vice-Rector Academic had discussed details of the project on a number of occasions. Both the Chair of the Board and later NSERC had suggested that it be done. It was a certainty that it would occur. Dr. Fabrikant had no knowledge of these plans, however, and it is another irony that his crimes had the effect of delaying by about a year the inquiry he had been insisting upon.

Upon motion duly moved and seconded, it was unanimously
RESOLVED:

THAT an independent person external to the University be
appointed:

1. a) To review all documents related to the employment history of Valery Fabrikant at Concordia University and, where he or she deems it useful, to interview any persons capable of providing additional information.

b) To make recommendations to the University, based upon this review, for concrete measures to enhance the University's ability in the future to address the following matters:

(i) policies, procedures, norms and criteria used for the hiring, rehiring and promotion of faculty;

(ii) duties and conditions attached to employment contracts;

(iii) policies, procedures, practices and mechanisms for dealing with harassing, uncivil and disruptive behavior from members of the University community;

(iv) policies, procedures and practices for resolving grievances concerning employment or the conditions of employment; and

(v) any other policies, procedures and practices he or she considers relevant to the subject matter of this review; AND

2. The person shall be appointed by the Executive Committee of the Board. He or she shall begin work immediately upon appointment and shall present any findings and recommendations to the Executive Committee as quickly as possible and in no event later than six months after commencing work.

CERTIFIED TO BE A TRUE COPY
Me Bérengère Gaudet
Secretary of the
Board of Governors

APPENDIX B: Invitation to the University community.

To all members of the Concordia Community

I was appointed by the Executive Committee of the Board of Governors, at its meeting of November 10, 1993, to conduct an administrative review of Valery Fabrikant's employment history at Concordia University. A copy of the Board resolution establishing the mandate and the terms of reference for this review as well as a copy of the resolution appointing me to conduct this review are attached.

I would like to stress that my mandate is a forward-looking one that will focus on recommendations for concrete measures to enhance the University's ability to address certain specific matters in the future.

Since my appointment, I have been reviewing the documentary record provided to me by the University. I intend to interview various individuals and I invite members of the community to provide any information, opinions or suggestions which might be pertinent to the review.

In conclusion, I would be happy to hear from anyone who feels that he or she has something to contribute to the review. I am prepared to meet with individuals or groups, in confidence, or to receive written submissions. Written submissions should be made by February 15, 1994 while meetings will be scheduled between February 15, 1994 and March 20, 1994.

Enquiries, communications, submissions etc. should be addressed to Dr. John Scott Cowan c/o Room BC-124, 1463 Bishop Street, Montréal, H3G 1M8. Tel: 848-4813. Written communications marked 'Confidential' will be forwarded to me directly, unopened.

JOHN SCOTT COWAN
JANUARY 6, 1994

Responses To the Cowan Report

PATRICK KENIFF
FORMER RECTOR

YOUR LETTER INVITING ME TO MAKE ANY COMMENTS I WISHED WITH respect to the Cowan report was received in the Rector's Office on Friday, May 27, in my absence. Contrary to news reports I heard this morning [May 30], it is *not* at my request that the invitation to make comments was extended, but at your initiative.

My comments with respect to events described in the Cowan report are already known to you. This is particularly the case with respect to the events and circumstances surrounding the recommendation made by Vice-Rectors Bertrand and Sheinin on June 23, 1992 to suspend Fabrikant under the Rector's emergency powers set out in Article 29.07 of the CUFA collective agreement.

Following the publication of the *Gazette* Special Report in August 1993, I presented my version of what occurred on June 23, 1992 to the Executive Committee at its meeting of September 8, 1993 and subsequently circulated a set of notes and documents in support of my presentation. I also exchanged correspondence with Dr. Bertrand about this matter in August and September 1993, and you received copies of this correspondence at that time. Finally, I made it clear to the Executive Committee and yourself at that time, my reasons for not wishing to engage in a public debate over this matter, as it would only attract negative publicity to the University. You and your colleagues agreed to this position.

Suffice it to say that my position today on this whole matter remains unchanged. It is also my view, with respect to what Dr. Cowan says on pages 27 and 28 of his report, that had I suspended Fabrikant in June 1992 without reasonable cause, this might have triggered his murderous rampage at an even earlier date.

Finally, as I have stated a number of times recently, it is my view that rather than comment and debate the facts of the Cowan report, the best response for the University would be to accept its recommendations, with which I agree, and to move speedily to implement them.

Need I say again that any additional delay in making this report and the Arthurs report public will only do further damage to the University?

ROSE SHEININ
VICE-RECTOR,
ACADEMIC

Summary:

DR. JOHN SCOTT COWAN, AS THE SOLE COMMISSIONER, WAS GIVEN a precise and comprehensive mandate by the Board of Governors of Concordia University to investigate how and why Dr. Valery Fabrikant was hired by this University and permitted to remain for 13 years. For 11 of these years Dr. Fabrikant held non-faculty positions. In 1990, he was hired as a full-time professor in the Department of Mechanical Engineering in the Faculty of Engineering and Computer Science.

Before I turn to the Cowan report, which I and others find demonstrably flawed and quite inadequate, I wish to outline my knowledge of Concordia's response to Dr. Fabrikant's long history of abusive, aggressive and ultimately violent behavior. Although others in the University undoubtedly recognized the threat he posed before my arrival at Concordia on September 1, 1989, it was not effectively addressed.

Between January and early June, 1990, it became clear to me that Dr. Fabrikant was a serious threat to Concordia and should not be hired into a faculty position, which was protected by membership in the bargaining unit, the Concordia University Faculty Association (CUFA). I was, however, unable to convince the members of the Department of Mechanical Engineering to acknowledge that their

THE RECOMMENDATIONS WHICH FOLLOW ARE PLACED IN A sequence which is not one of descending order of importance, but rather descending order of generality. In specific circumstances each may be important, but the earlier ones are likely to bear on more situations than the later ones.

RECOMMENDATION 1: In selecting academics to take on administrative roles, favour those with proven leadership skills; encourage and in some cases insist upon some management training for such appointees, from department chairs to Vice-Rectors or Rectors. In certain cases, taking the training should be a condition of appointment.

That the Vice-Rector Academic, the person principally responsible for the conduct of academic labour relations at Concordia, was completely innocent of any knowledge about managing in a unionized milieu is evidenced by a cascade of errors and mistaken decisions. On the other hand, both chairs of Mechanical Engineering were unhelpful in terms of their narrow view of elements to be considered in making fundamental employment decisions, and in obscuring from the gaze of more senior officers just what the situation was. The Dean was equally unhelpful, and furthermore failed on numerous occasions to act as a line manager. The failure of the Dean to use his separate recommendatory opportunities to draw attention to concerns is unconscionable, particularly in late 1990. The failure of administrative courage at all levels, including that of the Rector, is partly due to inadequate experience, a flawed understanding of what powers exist, and a failure to understand that from time to time the occupant of any senior post must risk opprobrium. It comes with the job.

It is facile to say that training gives managerial courage. It manifestly does not. Lack of training prevents it, however, or guarantees that its exercise is flawed. Appropriate programs do exist in Canada for basic training of chairs, deans, vice-rectors and even rectors. I am advised that Dr. Sheinin was proposed to attend one such, but declined. Others who needed it were not even proposed.

In recruiting to academic administrative posts, it is not sufficient merely to pay lip service to leadership. Advertising must be clear as to those qualities sought and evaluation of candidates for those qualities must be thorough.

RECOMMENDATION 2: Decisions on important or potentially controversial matters at the highest level must be collective decisions. It is not enough for the Rector and the Vice-Rectors to meet regularly. It is important that the collectivity of the Rector and Vice-Rectors be constituted as a body with status, and that the Board delegate to that body, rather than to individuals, the power to make certain decisions. Otherwise collective leadership is a pure accident. In the absence of collective leadership, senior officers are at risk of being undercut when they make difficult choices.

It seems unlikely that Dr. Fabrikant's probationary contract would have been given if probationary appointments went to such an Administrative Committee. It is possible that Dr. Kenniff would have been more comfortable with a vote from such a body when he was asked to exercise emergency powers. Finger-pointing becomes more difficult when the same finger votes on those same issues. This concept parallels that of cabinet government and works well elsewhere. Changes to the collective agreement with CUFA may be needed if such a body is to approve new appointments, but not necessarily, in that the reference to the Vice-Rector Academic in the collective agreement does not preclude an internal management requirement that the Administrative Committee approve an appointment before the Vice-Rector can act on it.

In this type of cabinet-style administration, the officers whose line areas of responsibility are closest to a given matter are the ones who take the lead in its presentation to the Administrative Committee, and indeed, it is usually (but not always) the initial position advanced by them which is the collective decision. The discussion, however, affords opportunity for information known to others to be brought to bear before decisions are concretized.

RECOMMENDATION 3: Improve record-keeping and management information systems, and take other steps to create and maintain an institutional memory. Arrange careful and co-ordinated transitions from one administration to the next.

This bears little further comment. Neither Dr. Kenniff nor Dr. Sheinin knew all they needed to know about Dr. Fabrikant. Dean Swamy, in turn, had imperfect knowledge about Fabrikant-related matters outside his Faculty, as did Drs. Sankar and Osman. As evidenced by the reaction to Dr. Daniel, Dr. T.S. Sankar didn't even want to know.

RECOMMENDATION 4: Do not use qualitative academic assessments as surrogates for the reluctance to exercise management rights. Do not treat insubordination or misconduct as an issue of academic quality.

It is my view that improper or mistaken decisions on eligibility for promotion, promotion, sabbatical eligibility, date of tenure consideration, counting of service and on how to handle Dr. Fabrikant's research-ethics complaints were all related to his behavior. On the other hand, inadequate, late and clumsy action was taken with respect to his behavior.

RECOMMENDATION 5: Reduce the numbers of Associate Vice-Rectors and/or Assistants to Vice-Rectors. Place the Rector more fully in the day-to-day business of the institution.

Information flows poorly in organizations which are too tall. The large number of persons at the rank below Vice-Rector contributes to the compartmentalization discussed. More complex institutions twice the size of Concordia function well with fewer than half Concordia's number at that level, with most of those in a staff rather than line capacity. Such a structure automatically places the Vice-Rectors and the Rector closer to the action.

RECOMMENDATION 6: Require deans to perform as line managers when appropriate.

The passivity of Dean Swamy is hard to explain. Even in so clear a matter as the row with Purchasing over paying for the laser printer, there was no evidence of a role by the Dean. Why indeed was it necessary for various Vice-Rectors to vie with one another for the honour of caving in to Fabrikant, when, if a faculty member is simply willfully flaunting the ordinary elements of the system, like paying for goods ordered and received, the Dean should simply authorize payment from the faculty member's grant and reprimand the faculty member.

RECOMMENDATION 7: Assign academic labour relations to a knowledgeable, experienced person, and not automatically to the Vice-Rector Academic. Coordinate negotiations of the Collective Agreement with what is actually happening in active cases in the institution. Get people to read the Collective Agreement if they are going to administer it. Answer questions of interpretation fully when posed by members.

In the three years prior to Dr. Sheinin's arrival, some more reliance was placed on the labour relations knowledge of Vice-Rector Maurice Cohen, Associate Vice-Rector Hal Proppe and others, even though they were not the Vice-Rector Academic. They were by no means infallible, but they did have substantial experience and it showed.

Many institutions chose not to burden the Vice-Rector Academic with academic labour relations because: (1) being a good Vice-Rector Academic is a very full-time job without that added portfolio, and (2) the adversarial aspects of the labour relations tasks can harm the ability of the Vice-Rector Academic to be a true academic leader. To lead in the area of academic choices and goals involves types of persuasion which may be closed off by the scars left from the other role.

The changes in the February 1991 Collective agreement which negated the modest safeguard of delayed tenure consideration in the first probationary contract given to Dr. Fabrikant and the acci-

dental according of sabbatical rights to him are examples of failure to coordinate negotiations and executive action.

Fabrikant's letter of December 21, 1989 was answered in a disgraceful fashion, considering that it raised valid questions of interpretation of his contract, his potential probationary contract and the collective agreement.

RECOMMENDATION 8: Renegotiate the discipline article (Article 29) of the Collective Agreement.

I understand this has now been done, though I have not yet been shown the result. A proper article 29 would allow for ordinary suspension with or without pay, would permit non-disciplinary restrictions as precautions for the sake of public safety while in the course of applying discipline, and would certainly recognize that some forms of cause are sufficiently grave that they neither require a warning letter or a period of suspension to be permitted to dismiss, given that full recourse via the grievance system remains, and the onus remains on the employer to show that it had cause when the arbitration provided for in that recourse takes place.

RECOMMENDATION 9: Use emergency suspension powers or other emergency powers on reasonable apprehension, not on signed complaint. Use the collective decision making approach to decide this, regardless of what the collective agreement says about the officer who exercises those powers. Be prepared to lose the resulting grievance from time to time.

This relates in part to the June 23, 1992 failure of the Rector to take the recommendation of his two Vice-Rectors and act under 29.07. Collective decisions help reduce and spread the opprobrium a bit if the ensuing grievance succeeds. As discussed before, there is widespread experience that signed complaints are readily obtained after the threat is removed.

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RECOMMENDATION 10: Put in place a protocol for Sexual Harassment Officers, Ombudspersons and the like which balances their responsibilities and encourages them to explore possible wrongdoing of which they become aware, even without a formal complaint, provided that all reasonable measures are taken to protect the identity of the informant and provided that no disciplinary measure ever results without due process.

This is obviously motivated by the failure of various and sundry officials of the University to follow up the 1982 rape allegation, especially since some were not even bound by the same constraints as the Ombudsperson. However, it applies to some extent to the rather vague attempts to obtain formal complaints about behavior after January 1989.

RECOMMENDATION 11: Whenever possible, hire by open competition, get references, make proper enquiries and evaluate against criteria. Try to modify programs such as Actions Structurantes to the extent possible to avoid having them subvert this process, and failing that, hold open competitions for the soft-funded positions made available by such programs.

Was Valery Fabrikant the best choice for CTR WAVE in 1985? We don't know, because the hypothesis was never tested.

RECOMMENDATION 12: Formalize the University Intervention Team (UIT) or scrap it.

This informal internal crisis-help group formed itself in the 1980s, but did have tacit approval from the senior officers of the University. The unofficial status led to nearly non-existent records and a spotty history. It now appears to have disbanded itself, though that, too, is informal. The University appears not to know whether it does or does not have this entity.

RECOMMENDATION 13: Don't use external legal counsel to handle major discipline. Get legal advice there, not strategic advice.

The co-ordination and other problems inherent in letters such as the August 21, 1992 one have been fully discussed.

RECOMMENDATION 14: If you have an emergency, don't send it to translation.

The supposedly emergency letter to the sq on the issue of the permit to transport a handgun was sent on July 14, 1992. Assistant Legal Counsel had drafted that letter on June 29. All that happened in the interval was translation into French, which took a full week, and the deletion of the two best paragraphs. The sq has occasion to read in both languages and does it very well.

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CONCLUSION

WHEN AN OUTSIDER IS APPOINTED TO REVIEW A MATTER, ordinarily it is the recommendations which are thought to be the useful part of the report. Indeed, I hope the University does find the recommendations to be of use. In this case, however, the circumstances are unique, and there are more lessons to be learned than those contained in the 14 recommendations. Some of those lessons are already being applied at a number of Canadian universities, and to my personal knowledge a number of dangerous situations have been defused and possible tragedy averted. Thus Concordia's pain has already paid a certain positive dividend in a wider context.

Many of the additional lessons are subtle; they are imbedded in the setting of the stage or the telling of the tale, but do not lend themselves to a numbered recommendation or specific directive. They are lessons in how to see the familiar world around us in different hues.

Hence this report has no executive summary, and it is my fond hope that readers of this report will read it all. The circulation of the recommendations (Part 3) in the absence of context from Parts 1 and 2 would create the illusion that there are easy fixes. There are fixes. They are not easy. And they are not all in the recommendations.

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APPENDICES

APPENDIX A: Mandate given by the Board

Executive Committee of the Board of Governors

Excerpt from the Minutes of a regular meeting of the Executive Committee, held on Wednesday, 10 November, 1993

Upon motion duly moved and seconded, it was unanimously
RESOLVED:

WHEREAS an administrative review was established by the Board of Governors by resolution adopted at its meeting of 22 September 1993, to examine the employment history of Valery Fabrikant at Concordia University and to make recommendations to the University on the matters outlined in the said resolution;

WHEREAS the said resolution of the Board of Governors provided for the appointment of an independent person, external to the University, to perform this administrative review; AND

WHEREAS the Executive Committee was given full power and authority to make the said appointment.

BE IT THEREFORE RESOLVED:

THAT Dr. John Scott Cowan be appointed to perform the above mentioned administrative review, in accordance with the terms of reference outlined in the Board resolution adopted on 22 September 1993, and with the understanding that the said review will be completed, and the findings and recommendations presented to the Executive Committee, no later than six (6) months after commencing work.

CERTIFIED TO BE A TRUE COPY
Me Bérengère Gaudet
Secretary of the
Executive Committee of
the Board of Governors

FACULTY PROMOTIONS

high-quality research papers. She has been praised by her peers for her ability to go to the heart of a problem, her meticulously structured experiments, and her commitment to research.

In recent years, Dr. Kornblatt has assumed the Directorship of the Joint Committee on Biochemistry and Molecular Biology. Under her guidance, Biochemistry has grown to include five new full-time faculty appointments to the Department. The quality of the Biochemistry group is of the highest order, with all its members having active and well-funded NSERC re-



**Mary Vipond
History**

Mary Vipond joined the Loyola College faculty in 1970 as a lecturer in the Department of History. In 1973, she was promoted to Assistant

Professor on the basis of her fine teaching and dedication to research. A year later, she earned her doctorate from the University of Toronto. Her promotion to Associate Professor followed in 1977. During her early years at Loyola, she also served as Vice-Chair (from 1974 to 1975).

After the merger of Loyola College and Sir George Williams University, Dr. Vipond served on a series of key committees: Arts and Science Faculty Curriculum Committee, Faculty Personnel Committee and the Faculty Tenure Committee. From 1982 to 1985 she was a member of Senate. At present, she is serving on the Joint Grievance Committee.

Dr. Vipond's contribution to research in the field of English Canadian cultural history is impressive. In addition to a large number of articles, she published her first book in 1989, *The Mass Media in Canada*. Revised in 1992, it is now widely used as a main text in universities across the country. Her second book, *Listening In: The First Decade of Canadian Broadcasting 1922-1932*, may very well become the standard book on the subject. She is currently



**Ann English
Chemistry and
Biochemistry**

Ann English joined the Department of Chemistry and Biochemistry in 1981. She immediately began to build a research programme in physical biochemistry which has grown steadily to achieve international recognition.

Of particular note are Dr. English's NSERC operating grants, which have increased steadily over the years. In an era of cutbacks, this must be viewed as a major achievement and an endorsement by her peers of the high quality of her work. Her collaborative research with Concordia's Dr. Susan Mikkelsen has recently been funded by NSERC with a strategic opening grant of \$286,000. This year Dr. English has also been awarded a capital equipment grant of \$300,000 and has been selected to chair the NSERC Grants' Selection Committee (Chemistry 024).

Her research, which applies spectroscopic methods to biochemical systems, has resulted in over 50 publications, four review articles and 29 invitations to lecture. Moreover, Dr. English is a respected teacher and is heavily involved in the Department's activities. In particular, she has devoted considerable time and effort to promoting the Department's graduate



**Jacinthe Baribeau
Psychology**

Jacinthe Baribeau's research work has obtained international recognition. She has made significant contributions on the neuropsychological and psychophysiological basis of schizophrenia.

Her particular interest has been in auditory perception, attention and thought processes, using multi-variate brain-wave analysis. She has also examined cognitive processing in various normal and abnormal adult populations.

Her work has been consistently funded by



**S. Robert Aiken
Geography**

Robert Aiken was a Lecturer in the Department of Geography at the University of Malaya in Kuala Lumpur before joining

Concordia as an Assistant Professor in 1975. He was promoted to the rank of Associate Professor in 1977.

Educated in the United Kingdom, Canada and the United States, Dr. Aiken is a cultural and historical geographer whose research interests include tropical deforestation, European colonialism and environmental change in the tropics, and tropical hill stations. He has been especially interested in the changing landscape and life of Malaysia.

Dr. Aiken is the author or co-author of numerous papers and of three books: *Environment and Development in Peninsular Malaysia*, New York, McGraw-Hill, 1982 (co-



**Marilyn Taylor
Applied Social
Science**

Marilyn Taylor joined Concordia's Department of Applied Social Science in 1979 as an

Assistant Professor. A leading researcher in the qualitative study of health promotion, her work spans 23 years as a practitioner/researcher. Her research collaborations include some of Canada's outstanding investigators in behavioural medicine and the treatment of cardiovascular disease.

Dr. Taylor's model of learning from the learner's perspective has become an integral part of the literature in adult education, and her pioneering works on learning and longitudinal qualitative research have been used in health promotion.

Her current research is directed toward a better understanding of barriers to preventive health behaviour and the development of more effective social interventions. Her most recent project, a study of cardiovascular risk reduction from the perspective of bypass surgery patients, is being conducted with the McMaster Behavioural Medicine Clinic and the University of Ottawa Heart Institute.

In Dr. Taylor's view, the learning process begins with an appreciation of its social context. She designs classroom activities to foster relationships among students for collaborative learning. She acknowledges the emotional challenge of learning, and incorporates a methodology that respects and supports the learner's capabilities at different points in the learning cycle. Dr. Taylor is an inspirational teacher who challenges both colleagues and students to aspire to "lifelong learning."

Her contributions to Concordia include co-founding the Lacolle Centre the initiation in the 1970s of a programme development dimension to Student Services, practical initiatives and publications on gender equity in higher education and the co-establishment of Concordia's Inclusive Teaching Team.

Dr. Taylor served as Director of the Centre for Human Relations and Community Studies from 1985-89, and in 1993 chaired the Centre's Directorate. She has been largely responsible for the development of the Centre and the clarification



**Donna White
Psychology**

Donna White has been actively engaged in research on eating disorders and on early childhood education

and daycare.

In her many publications and research conference presentations, she has made important contributions regarding the relation of esteem and overweight in children and adolescents, and on the relationship of daycare experience to development in young children.

COMMERCE AND ADMINISTRATION



**Abolhassan
Jalilvand
Finance**

Abolhassan Jalilvand joined the Department of Finance at Concordia University in

1981, was promoted early to the rank of Associate

Professor in 1985 and received his tenure in 1986. He holds a PhD in finance from the University of North Carolina at Chapel Hill, an MBA from Oklahoma State University and a BA from the Iranian Institute of Banking. His research and teaching interests are in the areas of corporate debt policy decisions, management of financial risk, econometric models of firm behaviour, international capital flows, regulation and corporate restructuring and default.

Over the past 13 years, he has actively participated in the academic and administrative life of the Department, the Faculty and the University in various capacities. His work has been published in reputable national and international journals, has been presented at more than 30 conferences and universities in North America and has been the recipient of several academic awards from the U.S. and Canadian scholarly associations. In 1987, he was invited to spend a year as the Visiting Professor of Finance at the Faculté des sciences de l'administration, Université Laval, Québec. He has actively pursued and obtained major external grants from FCAR, SSHRC, and the Financial Research Foundation of Canada.

Professionally, he has founded the PhD Visiting Speaker Series at the Faculty of Commerce and Administration and has co-ordinated it for six years. As the Director of the International Exchange Programme, 1989-1990, he developed two exchange agreements for the Faculty with the Gothenburg School of Economics and Commercial Law, Gothenburg, Sweden, and The Group Hautes Études Commerciales (HEC), Paris, France. In 1990, he was also the Finance Division Programme Chair for the Administrative Sciences Association of Canada (ASAC). He is now in his second term as the Chair of the Finance Department.

Dr. Jalilvand's industry experience includes the position of a Visiting Research Associate at the Department of Finance, Bell Canada Inc., 1987-1988. In addition, he has advised Bell

ENGINEERING AND COMPUTER SCIENCE



**Subhash Rakheja
Mechanical
Engineering and
CONCAVE**

A graduate of Concordia's Mechanical Engineering programme, Dr. Rakheja received his PhD in 1983, and began teaching at the University in 1985. Dr. Rakheja is highly regarded, as both a teacher and a researcher, with 30 reputable publications to his credit in the past five years alone.

The diversity of grants he has received attests to not only his theoretical skills, but also to the industrial relevance of his research. Dr. Rakheja has also actively contributed to the University through his participation in numerous committees, con-



**George Vatisas
Mechanical
Engineering**

A graduate of Concordia's Mechanical Engineering programme, Dr. Vatisas received his PhD in

1984 and began teaching at the University the following year. He has been a consistently good

teacher, a successful supervisor of graduate students, and has assisted in curriculum development.

Dr. Vatisas is also a very active researcher, as evidenced by the numerous grants he has obtained as well as his publication record; he has more than 70 publications in refereed journals and conference proceedings to his credit. In his current position as Associate Dean at the School of Graduate Studies in charge of Student Affairs, Dr. Vatisas is continuing his tradition-

FINE ARTS



**Wolfgang
Bottenberg
Music**

Wolfgang Bottenberg joined Concordia's Department of Music in 1972

as an Assistant Professor. He was promoted to Associate Professor in 1982. He has been a Teaching Fellow with Loneragan University College since 1983. He received his BMus in 1961 from the University of Alberta, his MMus in 1962 from the College Conservatory of Music in Cincinnati, Ohio, his Professional Certification in Education in 1963 from the University of Alberta, and his DMA in 1970 from the University of Cincinnati.

Professor Bottenberg's record of research and creative endeavours spans over 30 years of activity as a musician, composer and scholar. He has written music in almost every major compositional idiom and form. The published works such as *Trio for Recorders*, *Moods of the Modes* for piano and his two-act opera, *In-look*, are very accessible to both listener and performer. An accomplished pianist, he has been actively involved in the performance of his own works (over 40 since his tenure at Concordia). He has been the driving force and the artistic director of many New Music concerts involving guest composers from around the world. Most recently, his artistic direction of the Friedrich Nietzsche dual-CD recording project has made a significant contribution to interdisciplinary scholarship on this renowned philosopher. In 1983, he was the recipient of an FCAC grant which resulted in the publication of *Reading Early Music in Original Notation*. This book prepares a wide range of musicians for the reading of medieval mensural notation directly from original sources, and is used by music educators in a variety of settings.

Professor Bottenberg has taught courses in many cognate areas, including music theory, composition, and performance, both within and outside the Faculty of Fine Arts. He brings considerable interdisciplinary interests and expertise to this teaching, both in the Department of Music and the Loneragan University



**Elizabeth Saccá
Art Education and
Art Therapy**

Elizabeth Saccá joined Concordia's Department of Art Education in 1975 as an Assistant Professor, and was promoted to Associate Professor in 1976. She has served as Graduate Programme Advisor (from 1975-1981) and Department Chair (from 1986 to the present). From 1983-85, she was Principal of the Simone de Beauvoir Institute. Educated at Pennsylvania State University, she received her BSc in Art Education in 1965, her MEd in Art Education in 1967 and her PhD in Art Education in 1970.

Professor Saccá has contributed significantly to the governance of the University. In addition to the administrative duties listed above, she is a founding member and Chair of the University Chairs' Caucus, a founding member of the Faculty of Fine Arts Status of Women Committee and has served as Fine Arts representative to University Senate from 1992-1994. She has also taken on many other important responsibilities, including serving as Chair of the Academic Women's Caucus and participating as a member of the Committee for Gender Equity,

an advisory committee to the Vice-Rector, Academic.

Professor Saccá has made significant contributions to her field, both nationally and internationally. With Loren Lerner, she edited the *Visual Arts Reference and Research Guide for Artists, Educators, Curators, Historians and Therapists* (1983). This tool is widely used by researchers in Canada and elsewhere. She established and served as editor of the *Canadian Review of Art Education Research*.

Professor Saccá has published articles and organized conferences relating to the issues of cross-cultural and gender stereotypes in the arts, Native voice and research and teaching methodologies in art education. Her 1992 research project, *Native Voice in Video: Personal and Traditional Stories of Kanehsatake* promoted exchange between the University and the native communities and was supported by a grant from the Scagram Fund for Academic Innovation. These research endeavours have resulted in innovative teaching practices and in publication; for example, "Art, Native Voice and Political Crisis: Reflections on Art Education and the Survival of Culture at Kanehsatake" appeared in the Fall 1993 issue of the journal *Visual Arts Research*.

In her teaching practice, Dr. Saccá has focused on issues of the inclusion of women and cultural minorities, as well as research methodologies and qualitative description, at both the undergraduate and graduate



**Thomas Waugh
Cinema**

Thomas Waugh joined Concordia's Department of Cinema as an Assistant Professor in 1976, and was promoted to Associate Professor in 1981. He obtained his BA from the University of Western Ontario in 1970, an MFA from Columbia University in 1974, an MPhil from Columbia in 1976 and a PhD in Film Studies from Columbia in 1981.

Professor Waugh is a scholar of international standing. He has pursued research in several areas: sexual representation, documentary film and video, Indian film, English-Canadian/Québécois film and video and interdisciplinary cultural studies. His *Hard to Imagine: Gay Male Eroticism in Photography and Film from their Origins to Stonewall* will be published by Columbia University Press in 1995.

In 1984, he edited an anthology of 25 articles (including two of his own essays), *Show Us Life: Towards a History and Aesthetics of the Committed Documentary*. A recipient of both the Shastri and SSHRC fellowships, Professor Waugh travelled to India in 1988, and made a second visit in 1992, with ensuing publications. Professor Waugh is in demand as a public lecturer and for programming and curatorial work.

His contributions to curriculum include the development of basic courses in Film Studies, Interdisciplinary Studies and the supervision of many independent study and graduate students. In addition, Professor Waugh has developed specialized courses, such as in the field of Lesbian and Gay Studies. As head of the academic sub-committee of the Concordia HIV/AIDS Advisory Committee, he has been instrumental in obtaining financial support from Burroughs-Wellcome to underwrite a pilot course on HIV/AIDS.

Professor Waugh has been very active in departmental, Faculty and University committees as well as numerous activities in the community. In 1993, as Associate Dean, Academic Programmes, he was responsible for the implementation of the newly approved Major in Interdisciplinary Studies programme. He has also served on the Faculty's Permanent Review Committee on the Status of Women, the Simone de Beauvoir Institute as well as Concordia's Task Force on Lesbian and Gay Life. He excels in the organization of special conferences and lecture series, among them "La Ville en rose," the first Quebec Lesbian and Gay Studies Conference, held jointly at Concordia and Université du Québec à Montréal in 1992, a major lecture series on Canadian culture in 1986-87 and the series of six monthly lectures, "AIDS and the University," in 1993-94.

Three musketeers move on



Three good friends were given a warm send-off on May 26 at Hingston Hall. Despite unremitting rain, several hundred well-wishers gathered to honour Vice-Rector Academic Rose Sheinin, Dean of Fine Arts Bob Parker and Associate Vice-Rector Academic (Curriculum and Planning) Barbara MacKay. All three are retiring from their administrative posts and taking a year's leave.

With members of their families looking on, they warmly praised one another.

Sheinin said that the Faculty of Fine Arts had "blossomed under Parker's 10-year tenure, and is well cared-for now." She called MacKay "an astounding colleague," praising her tolerance, kindness and persuasiveness.

MacKay praised Sheinin as a social democrat who believes in empowerment, and Parker called them both people of trust and honour.

Interim Rector Charles Bertrand said that Rose Sheinin had taught him two things. The first was that he didn't have to be afraid of feminism. "And we've learned something from her about the application of academic principles," he added, to prolonged applause.

MacKay, one of a tiny handful of Canadian drama therapists, will take a sabbatical in Dublin, and Sheinin plans to visit her. Although the three were presented with gifts, all Canadian handicrafts, much of the money donated by well-wishers will go to a Concordia scholarship fund. —BB

Beth Morey leaving

Back from South Africa, on to Marianopolis

BY BARBARA BLACK

WITNESSING HISTORY IS SOMETHING Beth Morey has been preparing to do for many years. Long active in human rights causes, the University's Director of Special Events was the only Quebec member on an Oxfam Canada observer team monitoring South Africa's first multiracial election in May.

And she was sent to hottest spot—the province of Natal, where the Inkatha Freedom Party threatened to boycott the vote until the last moment.

"Only five days' notice!" she recalled. "There wasn't enough of anything." First-time voters rushed to get identification cards, which required a photograph. Although they could have used their all-purpose citizens' passes, many hadn't got them, out of resentment toward the regime that had imposed them.

Imagine having a federal and a provincial election on the same ballot. Now, imagine that most of the voters have never voted before, and that many of them are illiterate. Imagine polling stations where there's no electricity and haphazard access.

"And everything was made doubly complicated by the lack of trust."

Morey, like other international observers, said that the election was scrupulously run, despite all these difficulties. She was supposed to just watch, but she found herself pitching in occasionally, helping a rural polling officer count ballots, and even marking the ballots of infirm elderly voters who indicated their



Beth Morey

choices to her. "I voted four times for Nelson Mandela and twice for Inkatha," she joked.

Mandela's African National Congress party won the country in a landslide, making him president, but the traditionalist, Zulu-based Inkatha won Natal's provincial election.

Morey loved the two-week period leading up to the voting, when she and the other observers acted as "peace monitors" for the mass political rallies that dominated world headlines. They took their orders from well-respected local organizations, in close negotiation with the police and the army. The veteran

activist said wryly that it was more contact with civil authorities than she'd ever had before. She came "that close" to Mandela himself, and almost never felt in any physical danger.

When she got back to Montréal, she was interviewed and took part in post-election panels. And she accepted a new job, that of director of student services at Marianopolis College, effective July 1.

Subhead

In her 13 years at Concordia, Morey has been an innovator, especially in advancing minority education. She worked for five years as International Student Advisor. She started the Office of the Status of Women, was acting director of the forerunner of the Centre for International Academic Co-operation, and a founding member of the Joint Asia Pacific Centre for Communication Research and the Native Student Centre. She also directed the special events surrounding the new library complex, the J.W. McConnell Building, in 1992-93.

Cheerful and unpretentious, Beth is one of the most-liked people at the University. As she embarks on a new post which will give her the direct contact with students that she enjoys, her many friends at Concordia thank her and wish her well.

Twenty years' service

The following employees were honoured on May 13 for 20 years of service to the University:

Palmer Acheson, Associate Professor and Director of Undergraduate Program, TESL
Barbara Ann Barclay, Co-ordinator, Undergraduate Programme, TESL
Carol Bissonnette, Senior Operator, Telesis
Virginia Bowker, Co-ordinator, Graduation Evaluation, Registrar's Office
Jon A. Breslaw, Associate Professor, Economics
Michael Bross, Associate Professor, Graduate Programme, PhD, Psychology
Tien D. Bui, Associate Vice-Rector, Academic (Research)
Steve Bush, Assistant Director, Technical Services, Computing Services
Ralph Carter, Senior Computer Operator, Computing Services
Elizabeth Clarke, Clerk, Admissions
Linda Corrigan, Co-ordinator, Administrative Services, Athletics
Ronald Crawford, Professor, Management
Evelyn Davidson, Senior Graduation Clerk, Registrar's Office
Mervyn Dewes, Associate Professor, Painting and Drawing
Dennis Dicks, Director, Appraisals, Arts and Science
Anna-Beth Doyle, Professor, CRDH Psychology
Mona Farrell, Director, Minor and Certificate in Education
Jane Fraser, Cataloguing Assistant, Library
Anne Galler, Associate Professor, Library Studies
Efi Gavaki, Associate Professor, Sociology and Anthropology
Russell Gordon, Associate Professor and Co-Chair, Painting and Drawing
Reesa Greenberg, Associate Professor, Art History
Paul Gregory, Manager, Art Supply Store
Maureen R. Habib, Executive Assistant to the Rector
Michael Hainsworth, Director, Marketing Communications
Arpi Hamalian, Associate Professor, Education
André Herman, Associate Professor, Cinema
Stanley V. Hill, Manager, Student Records, Registrar's Office

Kamel Khalifa, Technician, Communication Studies
William Carl Knitter, Associate Professor, Director of Educational Studies, Education
Jack Kornblatt, Assistant Professor, Biology
Steven Stanley Kredl, Truck Helper, Distribution Services
Kazuo Kusano, Associate Professor, Sociology and Anthropology
Patrick Landsley, Professor, Painting and Drawing
Dorothy Markiewicz, Associate Dean, School of Graduate Studies
Yvonne Marshall, Reference Supervisor, Library
Muriel M. McCullough, Standing Order Assistant, Library
Kirby L. McGown, Assistant Professor and Director, CPMC/CTMC, Marketing
John McKay, Professor, Computer Science
Sabah Mikhail, Lab Instructor/Technician, Biology
Frank G. Muller, Professor, Economics
Mary O'Toole, Secretary, Marketing/DS & MIS
Michael D. Oppenheim, Associate Professor, Religion
Gilles Pilon, Electrician, Physical Plant (Loyola)
Miriam Posner, Supervisor, Technical, Chemistry and Biochemistry
Robert Pouliot, Maintenance Mechanic, Utilities and Energy Conservation
Thiruvengadam Radhakrishnan, Professor, Computer Science
G. Soundara Rajan, Associate Professor, Management
William Reznicek, Associate Professor, Theatre
Giampaolo Sassano, Associate Professor, Geology
William Sellers, Acting Chair, Exercise Science
Adriana Telaro, Secretary, Circulation Services, Library
Matti Terho, Chaplain, Campus Ministry
Christopher Trueman, Associate Professor, Electrical and Computer Engineering
Colin Waters, Manager, Compensation, Human Resources
Audrey Wells, Officer, Scheduling, Audio-Visual
Irene Whittome, Associate Professor, Painting and Drawing

Concordians perform at Toronto's Theatre Passe Muraille



The cast of *This is For You, Anna*, as they appeared on one of Canada's most prestigious stages May 17-22: Suzanne Ward (Theatre major), Marianne Lambert (Theatre major), Betty Wotoczek (Performance major) and Tamara MacKay (Performance major).

BY BARBARA BLACK

THIS IS FOR YOU, ANNA, a hard-hitting play about an actual woman's act of vengeance, was a big success last month in Toronto.

The play, which ran from May 17 to 22, was part of The Gathering, a three-week series of 12 productions organized by Women's Theatre Works and Toronto's Theatre Passe Muraille with the aim of encouraging women writers and directors.

Theatre Professor Brenda Anderson, who was producer and artistic director of the production, was thrilled with the reviews, including one in *The Globe and Mail*, and

another by noted director Richard Ouzounian on the CBC radio network.

One day in the early 1980s, Marianne Bachmeier walked into a West German courtroom and shot the murderer of her seven-year-old daughter, Anna. The incident became the basis for a play about the devastating effect of violence on women. The first production of the play was 10 years ago at Theatre Passe Muraille.

Anderson believed so strongly in the production that she financed it herself, to the tune of \$1,200; she hopes to recover some expenses with a grant from the Québec government.

The four-woman cast of *This is for You, Anna* included Performance student Tamara MacKay, who recently won an award for her play, *Pistons*, developed under Anderson's tutelage while MacKay was an independent student. *Pistons* is also going to be published by the Playwrights' Union of Canada in *Taking the Stage*. The book will be launched in July at the International Women Playwrights Conference in Australia.

The production team comprised Shauna Janssen, Pierre-René Goupil, Jennifer Cooke, Dean Cottrill, Louis Guillemette and Anderson.

Charles White going to Florida

Psychology Professor Charles W. White, who is also Vice-Dean, Academic Planning in the Faculty of Arts and Sciences, is leaving Concordia this month to become Dean of the College of Liberal Arts at Florida Atlantic University, in Fort Lauderdale.

Born and educated in the United States, he came to Concordia in 1979 to teach Psychology, and chaired the Department in the late 1980s, becoming a Vice-Dean of the Faculty in 1990.

He taught some 20 graduate and undergraduate courses during his years at the University, and served on many committees.

Psychology Professor James A. Jans, who helped to organize a departmental send-off, called White "a good friend, enthusiastic and fun to talk to," and a colleague who will be sorely missed.

Composites Centre holds first seminar Happy birthday, CONCOM!



H.T. Hayn, Suong Hoa and Stanley Kubina examine balsa composites at CONCOM conference.

The inaugural meeting of the Industrial Advisory Committee of the Concordia Centre for Composites (CONCOM) was held on May 17. Composites are combinations of materials. One example given by the Centre's director, Mechanical Engineering Professor Suong Hoa, is the mixture of straw and clay or mud used as a sturdy building material over many centuries around the world. As a scientific field, however, composites is relatively new. Because of their attractive characteristics—lightness, high strength, good corrosion resistance—composite materials have great potential in a variety of industries.

Established a year ago, the Centre is based on the Composite Structures and Materials Research Group which has been active at the University since 1979. It has 15 member professors: eight from Mechanical Engineering, one each from Electrical and Computer Engineering, Physics and Chemistry and four members from outside Concordia, representing the École de Technologie Supérieure, École Polytechnique and McGill University. These people are supported by more than 25 research associates and assistants and about a dozen graduate students who work in CONCOM's state-of-the-art facilities.

Over the past 15 years, according to Dean Donat Taddeo's opening speech to the meeting, the group has consistently been one of the Faculty of Engineering and Computer Science's top producers in grant dollars and research partnerships. It has trained more than 30 students who are now practising engineers specializing in composite materials. This summer, CONCOM will hold its first international conference on design and manufacturing using composites.

Industrial participants in the May 17 meeting were representatives from the Centre de recherche industrielle du Québec, MAAX Inc., Owens-Corning Canada/Fiberglass Canada, Centre des technologies textiles, Instron Canada, Bombardier, Spar Aerospace, the Institute of Magnesium Technology and SQM Inc.

Papers were given by Professor Hoa, Xiaoxin Xia, David Cheeke and Raymond Le Van Mao, all of Concordia, and by H.T. Hayn (University of California at Los Angeles), Sean L. McKay (Boeing Canada Technology, Winnipeg), Ajit Singh (Atomic Energy of Canada), Larry Lessard (McGill), Jacques Lanteigne (Hydro-Québec), Chris Lumn (Alberta Research Council), Kenneth C. Overbury (Bombardier/Canadair Group) and Paul Habib (C.P.F. Dualam).

He is a hard worker, Jans said, and was responsible for the early introduction of computers to the Psychology Department.

At a meeting of Senate on May 27, Dean of Arts and Science Gail Valaskakis announced White's departure with regret and expressed the University's gratitude for his years of active service. A reception organized by her Office was scheduled for this month.

Give our regards to Broadway

You can catch three Concordia staff members and their friends

singing great show tunes this weekend.

Jane Hackett (Dean of Students Office), Nancy Stewart (Faculty Personnel) and Cindy Hedrich (Office of the Vice-Rector, Academic) are members of the Lyric Theatre Singers, who will present "From Berlin to Saigon — A Broadway Experience" in the Concordia Concert Hall at 8 p.m. on Friday and Saturday. For tickets, call 878-1906, 483-0181, 489-8201 or 697-5959.

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Grant and Fellowship Deadlines

AGENCY	GRANT	DEADLINE
Anna Fuller Fund, U.S.A.	Post Doctoral Fellowship	June 22
Canada Council	Killam Research Fellowships	June 24
Canadian Society for International Health	Fellowships	June 23
Charles A. Lindbergh Fund Inc.	General research grants	June 7
March of Dimes Birth Defects Foundation	Research Grant Programs	June 25
Partnerships-FCAR-HYDRO-QUEBEC-CTGN-MRN	Efficacité énergétique	June 8
Professional Institute of the Public Service of Canada	Gold Medal Award	June 23
Rikkyo University	Fellowship	June 23
SSHRC	Aid to International Congresses in Canada	June 23
SSHRC	Aid to Occasional Scholarly Conferences in Canada	June 23
SSHRC	Thérèse F. Casgrain Fellowship	June 8
SSHRC	Travel Grants for International Representation	June 23
Shastri Indo-Canadian Institute	Fellowships	June 30
William T. Grant Foundation	Faculty Scholars Programme	June 23
Canada Council	Prize	July 23
Canadian Diabetes Association	Grant-in-Aid	July 23
Health and Welfare Canada	Career Awards	July 23
Hugh Kelly Fellowship	Post-Doctoral Fellowship	July 8
NATO	Advanced Study Institute/Advanced Research Workshops	July 8
Sugar Association	Contract	July 23
Canadian Foundation for AIDS Research	Research Project Funds	Aug 26
Canadian Research Institute for the Advancement of Women	Grants for research on women	Aug 24
FCAR	Revue de recherche et de transfert des connaissances	Aug 6
Human Frontier Science Programme	Research and Workshop Grants, Long and Short Term Fellowships	Aug 25
Institut de recherche en santé et en sécurité du travail du Québec	Research Grants and Research Team Grants	Aug 25
King Faisal International Prize	King Faisal International Prize in Science	Aug 26
Matsumae International Foundation	Fellowships	Aug 24
NATO	Collaborative Research Grants	Aug 8
Partnerships-Environment Quebec	Fonds de recherche et de développement technologique en environnement	Aug 6
The Whitaker Foundation	Biomedical Engineering Research Grant	Aug 19
United States Embassy	American Studies	Aug 26
Heart and Stroke Foundation of Quebec	Grants-in-Aid	Aug 24

(Please note that the deadlines listed below are subject to change upon receipt of agency updates for these programs.)

AGENCY	GRANT	DEADLINE
Association for Canadian Studies	Intercultural/Interregional Exchange Programme	Sept 7
Canada Council	The Explorations Programme	Sept 7
Canada Mortgage and Housing Corporation	External Research Programme	Sept 22
Canadian International Development Agency	Educational Institutions Programme	Sept 24
Center for Advanced Study in the Visual Arts	Senior Fellowships	Sept 14
Commonwealth Institute	The Nuffield Foundation Fellowship Awards	Sept 8
Connaught Laboratories	Canadian Universities Research Programme	Sept 15
Coopération Québec-France	Secteur de L'Environnement	Sept 1
Dairy Bureau of Canada	Grant	Sept 24
FCAR	Soutien aux équipes de recherche	Sept 15
FRSQ	Postdoctoral—programme 6	Sept 23
FRSQ	Programme conjoint FRSQ-CQRS en santé mentale—programme 27	Sept 24
FRSQ	Subvention à la recherche en santé mentale—programme 34	Sept 29
Health and Welfare Canada	Collaborative Research on AIDS	Sept 8
Health and Welfare Canada	Research Projects	Sept 20
Juvenile Diabetes Foundation Canada	Research Grants	Sept 8
Multiculturalism and Citizenship Canada	Canadian Ethnic Studies Conferences	Sept 23
Multiculturalism and Citizenship Canada	Canadian Ethnic Studies Fellowships	Sept 23
Multiculturalism and Citizenship Canada	Research Grants in Ethnic Studies	Sept 23
Multiculturalism and Citizenship Canada	Visiting Lectureships	Sept 23
Multiple Sclerosis Society of Canada	Postdoctoral Fellowships	Sept 21
Multiple Sclerosis Society of Canada	Research Grants	Sept 22
NRC CISTI	CISTI Collaborative Research Program—"The Virtual Library"	Sept 17
NRC	Award	Sept 24
NSERC	Grants for Scientific Publications (Monograph or Book)	Sept 24
NSERC	Infrastructure Grants	Sept 17
NSERC	Major Installation/Major Equipment	Sept 17
NSERC	Steacie Memorial Fellowship	Sept 1
Office de la langue française	Programme de soutien financier	Sept 1
Partnerships-FCAR-Ministère des affaires internationales	Soutien à la coopération scientifique internationale	Sept 7
Partnerships-MRC-National Cancer Institute of Canada	Research grant	Sept 24
SSHRC	Bora Laskin National Fellowship in Human Rights Research	Sept 21
SSHRC	Fellowships	Sept 15

Senate Notes

In addition to items mentioned elsewhere in this issue:

Meeting of May 13

- Senate approved changes in name of two prizes. The SCPA Graduation Prize becomes the Vince Sirois Prize. Canadian Pacific Forest Products Limited Prize for Biology has been changed to the Avenor inc. Prize in Biology.

Meeting of May 27

- A report from the Ad Hoc Committee to Draft Rules for the Appraisal of Administrative Units was approved.
- The recommendations contained in a report concerning the Faculty Research and Development Programme were approved.
- A report and recommendations on Academic Planning and Budget Processes was approved in March, but Senate at that time requested a report on a related issue, namely, the development of a mechanism for generating development money. This report from SCAPP (the Senate Committee on Academic Planning and Priorities) was approved.
- The Proposed Capital Budget for 1994-95 was adopted.
- Response of Senate to the Task Force on Senate Reform: Two adjustments were made to a Senate committee established to find ways to advance the academic primacy of the Senate and its role in University governance. The changes widen the eligibility of faculty members, and increase student representation. —BB

Total Quality Management workshop held

The second annual Total Quality Management workshop was held by the Decision Sciences and Management Information Systems Department on May 6 at the Four Seasons Hotel.

Fifty-six participants from industry and academia took part, and the speakers were from IBM, the Royal Bank of Canada, CAE, the Centre de recherches industriels du Québec (CRIQ), Bionair and Concordia.

The workshop addressed such topics as the increasing importance throughout the world of ISO-9000 certification and its impact on Total Quality Management efforts, other TQM issues (such as training and empowerment, supplier relations, customer satisfaction and information-system needs), business process re-engineering, and service quality.

Professor Mohan Gopalakrishnan, an organizer, said that the informal atmosphere promoted lively interaction between the participants, and many expressed interest in attending future workshops.

Arbitrator requested in CUSSU talks

An arbitrator has been requested from the Ministry of Labour to break an impasse in negotiations between Concordia University and the Concordia University Support Services Union (CUSSU), Director of Human Resources Susan O'Reilly said this week.

A conciliator has been involved since the fall of 1992, but disagreement over the salary model has stalled talks.

The union conducted a two-week campaign of pressure tactics, starting on May 18, which included refusal to use phones, faxes, mail and photocopiers on a rotating basis, and held "lunch parties" outside the administration offices on both campuses. CUSSU has approximately 500 members, and this is its first contract negotiation. —BB

Governors invited to Senate meeting

BY BARBARA BLACK

CONCORDIA UNIVERSITY'S Senate voted unanimously at their regular meeting last Friday to invite the Board of Governors to a special meeting to discuss their recent actions.

The University's entire senior administration, from former Rector Patrick Kenniff on down, had publicly called for the release of the Cowan and Arthurs reports for several weeks. So did CUFA, the faculty union, the Faculty of Engineering and Computer Science, and several other Concordia bodies.

Members of Senate also expressed deep concern over the procedure followed by the Board of Governors in the abrupt May 26 departure of Patrick Kenniff as Rector.

Members named to rector search committee

The Board of Governors has appointed eight people to the 11-member search committee which will advise the Board on the appointment of Concordia's next rector.

The committee members are Board of Governors Chairman Reginald Groome, Chair; Chancellor Eric Molson and governor Richard Renaud, representing the community-at-large; Engineering and Computer Science Dean Donat Taddeo, representing the deans; full-time faculty members Elizabeth Saccà (Art Education and Art Therapy), David Sheps (English) and Farhad Simyar (Accountancy); support staff representative Susan O'Connell (Education); as well as one graduate student, one undergraduate student and a faculty member from Engineering and Computer Science. The latter three members have yet to be elected by their respective constituencies. —KJW

Student Senator Philip Dalton, who also sits on the Board, said that he and the other student governors had forcefully expressed their disagreement with the majority of the Board, and questioned the legality of four leading members of the Board exercising this much power. Those members are Board Chairman Reginald Groome, Vice-Chairs Eileen McIlwaine and Claude Taylor, and Chancellor Eric Molson.

The Board, for its part, has published two resolutions passed during the May 18 governors' meeting, one of which gives the Board's four executive officers "full authority to deal with and resolve all issues brought before the Board" at that meeting — including the question of the continued employment of Rector Kenniff.

Psychology Professor June

Chaikelson told Senate that "the University appears to be moving away from a collegial style of governance, and it is important to signal our displeasure over the way decisions were made." Although Board Chairman Reginald Groome has said repeatedly that the Arthurs report was being delayed to give people a chance to reply, she said, no one in the report (apart from Kenniff) had apparently seen it, or been invited to respond.

Donat Taddeo, Dean of Engineering and Computer Science, requires the Arthurs report by June 7 to renew national accreditation for the Faculty's undergraduate programmes. "Who is making decisions?" he asked at Senate on May 27. "What is the role of senior management?"

History Professor Stephen Scheinberg said that the Arthurs report on

research and academic integrity "is supposed to be on academic matters, and should be brought to this body."

The suggested time of the meeting with the Board was June 3. However, no response had been received as of printing, and it is uncertain when the meeting will take place.

The Senate, made up of 18 faculty, 12 student representatives and seven senior administrators, decides on academic matters, but the Board of Governors is the senior body, with final authority on all matters of general policy. It is made up of six members from the faculty, one from support staff, three alumni, and five graduate and undergraduate students; the remaining 23 members are from outside the University. They are nominated and elected by the Board itself.

The faculty members who sit on

the Board are Tannis Arbuckle-Maag, Michael Brian, Gerald Gross, Henry Habib, M.O.M. Osman and Peter Pitsiladis.

A resolution moved by Education Professor William Knitter was passed that the Senate forward to the Board's nominating committee a profile of "the kind of person we would want to be chairman."

Outgoing Rector Patrick Kenniff addressed the meeting before it began. He wished the Interim Rector and the Senate success, and the Senate voted thanks to him for his decade of service to the University and his effective chairmanship of Senate. Interim Rector Charles Bertrand attended, but the meeting was chaired by outgoing Vice-Rector Academic Rose Sheinin. *For other news from Senate, see page 10.*

The following is an open letter to Reginald Groome, Chairman of the Board of Governors, Concordia University:

The Canadian Association of University Teachers (CAUT) represents some 29,000 academic staff across Canada, including those who have membership in the Concordia University Faculty Association. On their behalf, CAUT must express its grave concern about the lack of due process which has characterized the actions of the Board of Governors of Concordia University in recent weeks.

The dismissal of the Rector and Vice-Chancellor of Concordia University, Dr Patrick Kenniff, by a small, co-opted committee of the officers of the Board of Governors, without reasons being offered in writing and without a fair hearing, constitutes a violation of due process, an inappropriate delegation of authority and a violation of both the spirit and the letter of the Board by-laws. The subsequent retraction of the dismissal after Dr. Kenniff had written a public letter

to the full Board, the announcement that he had agreed to begin his administrative leave on June 1, despite the fact that his term of office had only recently been extended for one year, all speak further to the secret and ill-considered actions which have the effect of denying to a senior administrator and the university community at large the right of access to due process and a fair hearing. CAUT, of course, is normally concerned about the contracts of members of the academic staff, but it cannot stand idly by while the Board attacks the senior administrator of the university community in this manner. Our members at Concordia may well wonder who else may be the victim of such outrageous procedures in the future. On May 20, you were quoted in the *Montréal Gazette* as saying that the reason for not releasing the Arthurs report was your concern that individuals should be given "due process and a fair hearing." A week later, you acted without due process and without a fair and impartial hearing. I am, of course, aware that there

were criticisms of Dr Kenniff's administration, but the way to deal with such accusations is by a fair and open inquiry with the opportunity of responses by the Rector, not by summary execution. I also note that in *The Gazette* of May 27, both Dr. Arthurs and Dr. Cowan are quoted as saying that they had not recommended the dismissal of the Rector.

In October 1990, CAUT commissioned the Independent Study Group on University Governance to review the decision-making systems of Canadian universities and their accountability. Its report was presented in June 1993, and the CAUT policy statement on university governance, developed from it, was adopted by CAUT Council in April 1994. Both documents hold the position that the autonomy of Universities from government intrusion which is so vital to the independent pursuit and dissemination of knowledge requires that universities maintain and establish governance structures which are open and which clearly define and respect the differing roles and authorities of boards of governors,

senior administration and academic senates, and which operate in a collegial manner involving all the major constituencies on campus. In addition, CAUT has stood over the past 40 years for due process through fair hearings. Furthermore, public accountability demands that decision-making procedures follow due process, and be transparent and open.

In the present difficult climate, it is imperative that universities be seen to have in place processes of governance which enjoy the full confidence of the university community, and the wider public. After all the Supreme Court of Canada said in the Kane case at UBC that if a Board of Governors has the power, given existing contracts, to act as a tribunal, it must, in fact, act as a tribunal through due process and fair procedures. It is clear that the Board at Concordia did not do so and, by its irresponsible actions, has made a difficult situation much worse.

*Joyce Lorimer Ph.D.,
President, Canadian Association of
University Teachers*

COWAN continued from page 1

and faculty union leader Jon Thompson, former Chair of Mathematics and Statistics at the University of New Brunswick.

The two reports were intended to air issues raised by the murders of four professors, the wounding of a staff member and the taking of two hostages by former Mechanical Engineering Professor Valéry Fabrikant.

Despite intense pressure by the media and many sectors of the University, including former Rector Patrick Kenniff and the Dean of the Faculty of Engineering and Computer Science, Board of Governors Chairman Reginald Groome declined to make the reports public until he and other Board members were satisfied that certain conditions had been met.

These included (i) allowing senior administrators whose conduct was

commented upon in the reports sufficient time to prepare comments to be attached to the reports; (ii) not hampering a forensic audit in progress in the Faculty of Engineering and Computer Science to determine if any financial wrongdoing occurred, and (iii) respecting the University's obligations under the Québec Charter of Human Rights and the new Civil Code, particularly Articles 28 and 35.

The Cowan report was released to the media in the early hours of Tuesday, May 31, and the Arthurs report is promised for next week.

Groome also said this week that although the Arthurs and Cowan reports "add to the public's understanding of events at Concordia," they do not provide the definitive picture of events before and after the August killings.

"The two reports are the result of specific mandates," he said, "and they will be considered along with other findings and recommendations

brought to the Board's attention."

Both Groome and Bertrand added that Concordia will work "as diligently as possible" at all levels to address all such recommendations.

BERTRAND continued from page 1

Vice-Rectors Rose Sheinin and Maurice Cohen, plus the recording secretary, were asked to leave the room. They waited for nearly four hours, after which the Board meeting was adjourned to May 26.

It was at that morning meeting on May 26 that Kenniff's departure was initially announced by Groome. Groome and Kenniff issued a joint statement late that evening indicating that Kenniff and Groome had agreed on the terms of his departure. They include provision for an "administrative leave," i.e., a year's salary.

Kenniff became Rector on June 1, 1984, and was approaching the end

of his second five-year mandate. Last May, in the aftermath of the events of August 1992, the Board of Governors asked him to extend his term by one year, to May 31, 1995, and Kenniff accepted.

The unexpected change in leadership resulted in an avalanche of media speculation and expressions of "surprise and consternation" from many quarters, including CREPUQ (the Conférence des recteurs et principaux des universités du Québec) and Québec Education Minister Jacques Chagnon, a Concordia graduate.

Groome and Bertrand have begun a series of meetings, both inside and outside the University, to explain the reasons for the leadership change and to seek co-operation to help Concordia turn a page on recent controversies and begin addressing the challenges facing the institution.

BIRD continued from page 5

Committee on a Proposed Concordia University Code of Ethics are Management Professor Vishwanath Baba, Bird, Associate Vice-Rector Academic (Research) Tien Bui, Mechanical Engineering Professor Grant Guevremont, Recreation and Athletics Associate Director Kathleen McDonald, Psychology Professor Lisa Serbin and Sharon Todd, a doctoral student in Humanities.

Responses are invited by June 10. Hearings will be held on June 9 and 10 in Room H-771, but those who plan to attend should contact Professor Bird in advance. The full draft of the code of ethics and its accompanying documents are available from his office, at 2050 Mackay St., Suite 205. His telephone number is 848-2070.

The BACK Page

JUNE

Alumni Activities

Grad Finale Convocation Party Wednesday, June 15

Faculty, staff and alumni are invited to this joyous celebration to welcome new graduates to the "alumni family." Time: 5 p.m. - 7 p.m. Location: Henry F. Hall Building Mezzanine, SGW Campus. Free for spring 1994 graduates; \$10 for others, includes light refreshments. Info: 848-3815.

Art Gallery

The Leonard and Bina Ellen Art Gallery is located at 1400 de Maisonneuve Blvd. W. Information: 848-4750. (Métro Guy-Concordia)

Until June 4

Recent Acquisitions. Time: Monday - Friday from 11 a.m. - 8 p.m. and Saturday from 11 a.m. - 5 p.m.

June 10 - July 9

Undergraduate student exhibition, Concordia University, Faculty of Fine Arts. Monday - Friday from 11 a.m. - 8 p.m. and Saturday from 11 a.m. - 5 p.m.

Campus Ministry

Loyola Chapel summer mass schedule: Weekdays until September 6th, Tuesdays and Thursdays (only) at 12:05 p.m., Sundays until June 12th, 11 a.m. and 8 p.m., then from June 19 to September 5th inclusive at 8 p.m. only.

Counselling and Development

What are you doing this summer? Work, study or travel? The Careers Library can help you plan your summer job search. If you want to study, we have university calendars for the U.S. and Canada and directories for overseas countries. Travel guides can be borrowed to plan your vacation. Visit us soon at H-440 (SGW Campus) and WC-101 (Loyola).

Study skills assistance

A special drop-in programme for Arts and Science students has begun. Available on both campuses. Please call 848-3545/3555 for details or drop by at H-440 (SGW) or WC-101 (LOY).

CPR courses

Please contact Donna Fasciano, at 848-4355.

CSST First Aid Course June 11 - 12

14-hour course, one and half days of first aid and half a day of CPR. Certification given by the CSST and is valid for three years.

CPR Heartsaver Course Saturday, June 18

4 hours for life, this course includes rescue breathing and one-person rescuer CPR and management of the obstructed airway.

Basic Life Support Course June 25 - 26

10 hours for life: This course includes rescue breathing, one-person cardiopulmonary resuscitation (CPR) management of the obstructed airway and infant and child resuscitation.

Film

Conservatoire d'Art Cinématographique de Montréal
Cinéma J.A. DeSève, 1400 de Maisonneuve Blvd. W., Concordia University (Métro Guy-Concordia). Admission: \$3.

Thursday, June 2

Twice two (1933) James Parrott, *The Flying Deuces* (1939) Edward Sutherland at 7 p.m.; *Les Feux du Music-Hall* (1951) Federico Fellini at 9 p.m.

Friday, June 3

His Royal Snyss (1920) Harold Lloyd, *Hypnotized* (1932) Mack Sennett at 7 p.m.; *Rear Window* (1954) Alfred Hitchcock at 8:30 p.m.

Saturday, June 4

La Traversée de Paris (1955) Claude Autant-Lara at 7 p.m.; *Some Like It Hot* (1959) Billy Wilder at 8:45 p.m.

Monday, June 6

Le mouton à cinq pattes (1955) Henri Verneuil at 7 p.m.; *The Fearless Vampire Killers* (1967) Roman Polanski at 8:45

Tuesday, June 7

Million Dollar Legs (1932) Edward Cline at 7 p.m.; *A King in New York* (1957) Charles Chaplin at 8:30 p.m.

Wednesday, June 8

Charles Chaplin - The Mutual Period 1 at 7 p.m.; *Divorce Italian Style* (1962) Pietro Germi at 9 p.m.

Thursday, June 9

Yojimbo (1961) Akira Kurosawa at 7 p.m.; *Juliet of the Spirits* (1965) Federico Fellini at 9 p.m.

Lectures & Seminars

Simone de Beauvoir Institute Tuesday, June 14

Carolyn Gammon will be speaking on her request for Concordia to change to gender-neutral degree nomenclature. Time: 4:30 p.m. Location: Simone de Beauvoir Lounge, MU-202, 2170 Bishop.

Special Events and Notices

Vaccination information

Inquire now to avoid serious delays in processing your forms or travel plans. Some vaccines are only given by travel clinics, others available at Health Services. For information, call your physician or Health Services, 848-3565/3575.

Unclassified

Success to all students

WordPerfect 5.1. Term papers, resumes, applications. 27 years' experience, both languages. 7 days a week. 175 oblique, double-spaced. Just two streets away (Peel). Paulette or Roxanne. 288-9638/288-0016.

Daycare services

Garderie Chez Picotine, 1819 René Lévesque Blvd. W. corner of St. Mathieu St. Spaces available for children aged 3 months - 6 years. Open from 7:30 a.m. to 5:45 p.m. Hot lunch and 2 snacks daily. Diapers provided. Qualified educators, bilingual programme, government subsidies available. 937-3201.

Summer cottage

Quiet spot for the summer, 2-room cottage, deck, sauna. Eastern Townships, hour and a half from Montréal. From June 1 to Thanksgiving. Price: \$1200. Call Rachel 848-3555 or 484-4380.

Elegant condo

In secluded complex near tennis courts and Villa Maria Metro. 2 bedrooms, garage, charming views, 1000 sq.ft. Asking \$119,000. Janet Saucier 485-9807. Re/Max NDG Inc. Broker.

Typing

B.A. (Specialization History) dicta-typist wants to work at home on WP 5.1. Call Heather @ 472-7054

For rent

Outremont. 5 1/2 basement apartment. Beautiful street. Near bus and Métro. \$460 (includes all heat and electric). Ideal for 2; pls. no smokers. July 1. 278-4501

Bus ticket for sale

One-way ticket to Vancouver good until June 29th. Asking \$100 (worth \$200). Call Valerie days at 848-4213 (Tues. & Thurs.), 848-2982 (Wed. & Fri.) or evenings 768-5100.

USA green card lottery

If you or your spouse were born in another country (not Canada). 55,000 visas are now available. We can also improve the chances of Canadian graduates getting a job in the U.S. B. Toben (U.S. lawyer) 288-3896.

House for Sale

Vacant, detached, 2-storey duplex 20 ft. x 26 ft. near Mont Royal St. and St. Laurent Blvd. Live in one and rent the other. \$60,000. 288-1819.

For Rent

9 1/2, 4-bedroom, fireplace, ideal for 4 students. St. Mathieu & Tupper. \$1,180/month, unheated. 744-3058.

2 1/2, fridge & stove incl. Will be renovated. July 1st occupancy. St. Mathieu & Tupper. \$410/mth, unheated. 744-3058.

3 1/2, 3740 Côte Ste. Catherine, \$395./mth, heated. One month free. Close to Metro (Côte Ste. Catherine & Côte St. Luc). 744-3058.

Sublet

3 1/2, furnished, large, bright, quiet, heated. 1-year lease. Westmount near Greene ave. \$700. References. 937-3724.

For Sale or Rent

Duplex in Brossard. 5 1/2 upstairs/downstairs. Available July 1. Large backyard. Close to South Shore bus terminus, schools and shopping. Please call 465-2458.

Convocation Mass of Thanksgiving

Loyola Chapel
Sunday, June 12, 1994 at 11:00 a.m.

This is a special opportunity for graduates and their families to celebrate this milestone, and to gather in thanksgiving to God for the blessings of the years spent at Concordia.

Celebrant and Homilist:

Fr. Len Altília, S.J.
Superior of the Loyola Jesuit Community and
Principal of Loyola High School

Graduating students and faculty (gowned, if possible) are invited to join in the entrance procession, which will assemble at 10:40 a.m. in the cloister walkway between the Administration and the Chapel.

Refreshments will be served after the Mass.

FOR MORE INFORMATION, CONTACT CAMPUS MINISTRY AT 848-3588

Campus Ministry is a division of Advocacy & Support Services - Student Services

An invitation to the Class of '94

Come celebrate your graduation at a gala party!

The Grad Finale '94

Wednesday, June 15, 5 - 7 p.m.
Mezzanine, Henry F. Hall Building
1455 de Maisonneuve Blvd. W.

Bring your family and friends

Complimentary tickets for
graduating students
\$10 for each guest

Hosted by:
Concordia University Alumni
Association and the Office
of the Rector

Tickets must be picked up by
Wednesday, June 8, 1994 from
the Alumni Affairs Office at:
SGW Campus:
BC-101, 1463 Bishop St.
Loyola Campus:
CC-324, 7141 Sherbrooke St. W.

For more information,
please call 848-3815.



Concordia
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